

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

APRIL 18, 2000

Taken by: Lucia Braaten
Alison Mahoney

Transcribed by: Lucia Braaten
Karen Levasseur
Alison Mahoney

Riverhead, New York

(THE MEETING WAS CALLED TO ORDER AT 5:36 P.M.)

[THIS PORTION OF THE MEETING TRANSCRIBED BY KAREN LEVASSEUR]

P.O. TONNA:

Would all Legislators please come to the horseshoe. Let's call the roll.

(*Roll Called by Mr. Barton*)

MR. BARTON:

13 present. (Not Present at Roll Call: Legs. Fisher, Foley, Bishop, Binder, and Cooper)

P.O. TONNA:

Let's all rise for the Pledge led by Legislator Guldi.

(Salutation)

P.O. TONNA:

Thank you very much. I would like to recognize Legislator Mike Caracciolo to introduce our clergy. There you go, Mike.

LEGISLATOR CARACCIOLO:

Thank you, Mr. Presiding Officer, and welcome, everyone. It's my privilege and honor, at this time, to introduce tonight's clergy guest, if you would come over here Reverend Fulford. Cornelius Fulford is the Pastor since 1989 of the First Baptist Church of Cutchogue, here on the beautiful North Fork of eastern Long Island. He has a very interesting career. At one time, besides attending seminary, he actually was from what I can tell from your resume, Reverend, a gospel singer. In addition to that, he is an acclaimed author, having written a book, "Heaven and Earth". So we welcome you here, Reverend, and we would appreciate if you would all bow your heads in prayer and join Reverend Fulford.

(Invocation)

LEGISLATOR CARACCIOLO:

Thank you, Reverend.

P.O. TONNA:

Thank you very much, Reverend. Okay, I would like to -- Marty, you're here. I would like to recognize Legislator Jonathan Cooper and the Economic Development & Education Committee for the purposes of a proclamation, being that April is Community College Month. Jonathan, do you want to go to the podium, and maybe with the committee. Maybe you want to hand that out together.

LEGISLATOR COOPER:

As the Presiding Officer just mentioned, April is Suffolk Community College Month in Suffolk County, and I'm very pleased that we have five students here from Suffolk County

Community College who are all state recipients of this award, if they could stand up when I mention their names, then you can join us here. We have Marie Burkhardt, Monique Banks, Joseph Del Broccolo, Linda Mingo, and Lana Safah.

(Applause)

LEGISLATOR COOPER:

And Linda Mingo was also named to the all USA academic team, and this is based on not only the grades of the students but also their community involvement and their campus involvement; so we are all very proud of you. It's my honor to present this proclamation to Eric Ricioppo, Vice President for Marketing and Public Affairs for Suffolk County Community College, on behalf of the Economic Development & Education Committee. Actually, I take that back. Instead, even better, we are going to present this to Sal Lalima, President of Suffolk County Community College.

LEGISLATOR GULDI:

I, as one member of this Legislature, and I don't know if anybody else could do this -- I know that someone else used to -- I want to see that your students are helping my Alma Mater continue to win distinction, and I thank you for that effort, and you make me proud to be one of your number, as a former Suffolk student myself.

LEGISLATOR FOLEY:

We are so very thrilled that each of you are being honored here today like this. Many of us have been some strong advocates for the Community College, and as we speak the Capital Program has been submitted; and whether it's the Capital Program or the Operating Budget over the Summer time, it's events like today that we use as illustrations to properly and fully fund the Community College. So on behalf of my colleagues, I would like to say a job well done, and we know that the Community College has prepared you well for future challenges. Best of luck.

LEGISLATOR HALEY:

I would just like to take a moment to especially recognize Monique Banks, and I have a proclamation for you. Come on up, Monique. Just quite briefly, she is an astounding woman here; not only an athletic, academic all American, Phi Alpha Sigma college academic honor, and on the Dean's list, she has also found time to tutor kids at Suffolk Community College, a teacher's assistant in an emotionally disturbed kindergarten class, one to one with challenged teenagers, and a whole lot more. You're a terrific person and we are really glad to have you here today. Congratulations.

P.O. TONNA:

Okay, I would like to -- if you guys want to take a picture somewhere or whatever else -- I don't know where LeeAnn is. There she is. Way to go, LeeAnn. I would like to recognize Legislator Marty Haley to present proclamations to some New York State wrestling champs.

LEGISLATOR HALEY:

Thank you, Mr. Chairman. Legislator Caracciolo and I, we would imagine between the 1st and the 6th Legislative District, we'll match our wrestlers up against anyone, because we've done a terrific job this year. We have three State Champions in wrestling and we would like to honor them tonight.

LEGISLATOR BINDER:

I have some State champions; they don't wrestle.

LEGISLATOR HALEY:

What? Excuse me, Huntington? I know Huntington; they've done well but they can't compete with Longwood, Rocky Point --

LEGISLATOR BINDER:

It's not wrestling.

P.O. TONNA:

When you put Haley and Caracciolo together, you know they're going to be scrappy guys, so you know.

LEGISLATOR HALEY:

Dan Sable is one of them; he can't be here tonight. But I would first like to call up Mike Torriero from Rocky Point. I'm especially proud of Mike today because I'm 30 years almost in Rocky Point myself, and a former member of the school board. And, Mike, it would probably be easier if I did this -- Mike, for the first time, Rocky Point, and obviously the coach is very, very happy because you have finally gave him what he has been yearning for all of these years, is a New York State Champion. And you have, indeed, done it. And what was the weight class again?

MR. TORRIERO:

135.

LEGISLATOR HALEY:

I remember I wrestled 135 in high school. Do you think I could take him, Legislator Levy?

LEGISLATOR ALDEN:

Not at 250, Marty.

LEGISLATOR HALEY:

I'm not 250. Well in light of Mike's New York State Championship, it's proud, and he's All American status, by the way, because you did wrestle in the Nationals, as well, right?

MR. TORRIERO:

Yeah.

LEGISLATOR HALEY:

And became All American status, I'm really proud, as his Legislator, along with Legislator Caracciolo, to present this proclamation for Mike, and congratulate him. He's done a great job in representing Rocky Point School District. Congratulations, Mike.

MR. TORRIERO:

Thank you.

LEGISLATOR HALEY:

And I'll turn the mike over to Legislator Caracciolo for our next gentleman.

LEGISLATOR CARACCIOLO:

Mr. Jesse Jantzen. Are your parents here?

MR. JANTZEN:

My mother is.

LEGISLATOR CARACCIOLO:
Oh, good. Come on up, Mom.

LEGISLATOR HALEY:
Come on up, Mom.

LEGISLATOR CARACCIOLO:
This is probably, at least to my recollection, the first time, and maybe some of the more tenured Legislators will correct me if I'm incorrect, but I believe this is the first time in all of Suffolk County that we have had the privilege -- oh, we have the entourage here, we have the coach, we have everybody, that's great.

LEGISLATOR HALEY:
I know I can take this guy.

LEGISLATOR CARACCIOLO:
Congratulations. Step right up here, Jesse. I'm sure over the past few weeks, months, and probably the last several years, given all of your achievements, not only on the mat but academically, I know Maryann Wowak, she is a Legislative Assistant for me, and she knows you and she knows quite a bit about you, and we certainly know the family from Shoreham-Wading River. This is quite a remarkable young man, he comes from quite a remarkable family. In fact, his dad is one of Suffolk County's finest, a member of the Suffolk County Police Department. So, let me just point out some of his achievements very quickly. Six time league champion; six time -- let me get the card because I don't want to mess this up -- a six time County Champion, six time State Champion, New York State Champion six consecutive years running, and this year --

P.O. TONNA:
Six? What were you twelve?

LEGISLATOR CARACCIOLO:
I'm sorry, I stand corrected, a four time State Champion, but I get a little carried away. This year, although he has gone to the Nationals many times before and has represented himself very, very well, this year and I believe the first time that I can remember in this auditorium, a National, a U.S. National Champion.

LEGISLATOR HALEY:
He's also in my district, Mike.

LEGISLATOR CARACCIOLO:
Actually, the Jantzen's live very close to the 1st and 6th Legislative Districts. But in any event, as I said his achievements go beyond that of what he has achieved on the mat. He will be graduating this year from Shoreham-Wading River, and as such he will be going on to one of the premiere educational institutions in the United States of America, Harvard University. Congratulations. Mrs. Jantzen, congratulations.

LEGISLATOR HALEY:
Congratulations.

LEGISLATOR CARACCIOLO:
We are privileged and honored as elected representatives to have such fine young people in attendance tonight, and we wish both of you the very, very best in the years ahead. God bless you, both. Thank you.

P.O. TONNA:

Okay, I would like to recognize Legislator Angie Carpenter for the purposes of a proclamation. Angie.

LEGISLATOR CARPENTER:

Thank you, Presiding Officer Tonna. It is an honor for me, tonight, to recognize someone from my district who was up here just a few moments ago who has been honored as an All New York Academic Team member. But her story is particularly interesting, I think very fitting tonight as we recognize volunteers all over Suffolk County here this evening. Marie Burkhardt, if you would come forward. Marie was a returning student to Suffolk Community College as a single mom, decided to embark on a new career, and was in the nursing program, and obviously did extremely well being named to All New York Team, that what was so particularly important, I think for us tonight here, on Volunteer Recognition Month, is to realize that even as a single mom she still found time to give back to the community. She was the editor of the nursing club newsletter, she participated in many health fairs across Suffolk County doing blood pressure screenings, cholesterol screenings, many, many other volunteer activities. So for all of that, for your academic achievements and for being a very, very special mom to your daughter, I would like to recognize you with this proclamation and congratulate you.

MS. BURKHARDT:

Thank you.

P.O. TONNA:

Okay, I would like to recognize Legislator Allan Binder for the purposes of a proclamation.

LEGISLATOR BINDER:

I assume the red coats are the Wranglerettes. Okay, well, if you can get up and come this way -- the reason I know that the red coats are the Wranglerettes is because the Wranglerettes are from Half Hollow Hills West, of which I am a graduate, so I have my red jacket somewhere, my track jacket, and it probably doesn't even fit anymore; too much eating over the years. The Wranglerettes, from Huntington and from Dix Hills; the Half Hollow Hills Wranglerettes are a kick line dance team, and if you don't think that is an athletic event, you're sadly mistaken. And while I'm sure that headlocks and wrestling is an important thing, what we have is a team of people that work together, a team of young ladies who have competed all over in Long Island, they have competed in other parts of New York, they've competed in Long Island Championships. But they recently competed in Disney World against teams from all over the Country in a National competition; and in this National competition they competed against teams that, as part of their curriculum, have dance, that practice is part of their curriculum. And this team has put in the time seven days a week, hours every day, to become really one of the best in the Country and they have really proven to be the best in the Country, and we have them right here on Long Island, in Half Hollow Hills, and I'm proud to say from my alma mater, Half Hollow Hills West, their coach Lucille Kenny puts in an extraordinary amount of time, probably more than some of the other coaches you'll see on other sports because, I think, this particular sport, and I mean this is a sport, takes probably as much, probably much more dedication because of how they have to work together as a team to be at the level of competition that they are.

So I am very proud and, in fact, I'm honored that I have the opportunity to give this proclamation to the coach and to the team. And I have for each one of them -- and I'd like to read them off quickly, so they can all have their names read. I have certificates of

merit for each of them. Jessica Smith. And if I mess up your name, I apologize in advance. Danielle Benvenuto. Toni Ann D'Acunti. Jessica Seigelheim. Stefanie Levy. That was a little easier. Amanda Austin. Jackie Cusenza. Deirdre Konen. Faith Battaglia. Alex Rivera. Jenna Kaufman. Meghan Hagens. Carolyn Barbaccia. Laura Torres. Jackie Fardella. Christa Carlstrand. Taylor Walker. Thank you very much, and here's a proclamation from the Legislature. Thank you.

P.O. TONNA:

Thank you very much, Legislator Binder. Okay, we have a pretty ambitious agenda this evening. April is Volunteer Recognition Month and before I read my preordained speech -- do we have somebody else? Oh, you do? Oh, Legislator Levy, last but definitely not least. Oh, not last, and not even least. Well, maybe least but not last.

LEGISLATOR LEVY:

If the representatives from the Crossing Guard Association would come forward. Thank you very much, Mr. Presiding Officer. About a year ago I was called by a constituent who asked me to get involved, to help her honor her mom. Her mom was a Nassau County Crossing Guard who, unfortunately, was killed while performing her duties as a crossing guard. So we did involve ourselves in honoring her through Nassau County, and then it dawned on me, it really is something where we, as a Legislature, should pay tribute to all of our crossing guards for their dedication day in and day out throughout the year.

So not only do we have a proclamation here, but there is a resolution that is circulating and we have a number of co-sponsors, including Legislator Fields if she wants to join us, Legislator Foley, Towle, Caracappa, and hopefully it will be 18 of us all together, where we would be proclaiming the first Monday of May as being Crossing Guard Recognition Day throughout Suffolk County. And it's hoped that each Legislator might be able to contact the schools in your particular district to let the principals and the school boards know so that they can have some preparations ready on the first as well. In this particular year it's May 1st, but from here on in it would hopefully be the first Monday of each May.

And on that note, I have asked some of the representatives from the Crossing Guard Association -- we have Josephine Riley, the President; Gerri Genzel and Karen O'Connell, two Vice-Presidents from the Board. And we're here today to honor all the crossing guards throughout Suffolk County for their dedication and all the good work they do to keep our children safe on a daily basis. So ladies, if you would kindly accept this proclamation from the entire County Legislature, as we pay tribute to the good work that you do throughout the year. And please remember that all of Suffolk will be paying homage to each and every one of you this May 1st. Thank you so much.

P.O. TONNA:

Thank you very much, Deputy Presiding Officer. Legislator Foley, would you like to say a word?

LEGISLATOR FOLEY:

Just for the record, we see crossing guards every morning and afternoon, and when you consider the fact that this past Winter, with the brutally cold Winter that we all experienced this past year, the crossing guards are out there every morning in all that very, very cold frigid weather. And it's just the kind of dedication that you have given to your job to make sure our kids traverse the streets in a safe fashion. So, especially this past Winter because of how bad it was, you should be even more highly commended for your fine work. Congratulations.

P.O. TONNA:

Thank you. Legislator Caracappa. You don't have to say it for the record; you could just say it.

LEGISLATOR CARACAPPA:

I'm just going to say it because it's true; having grown up across the street from an elementary school and a very busy intersection, a crossing guard was more than someone who just came across me in my early years; it was someone who came and knocked on my door to make sure I got up for school as well, when I was running late. And that's the point. It's not just someone there just to protect you; they were my friends and we still keep in touch with that same woman who crossed us for many, many years. And I didn't see her as a person who was looking out for my safety, even though she was, but as a person who kept me in line and made sure I did all the right things before I got to school and after I got out of school. So I'm sure you share that sort of relationship with so many kids throughout the County, and for that alone we say congratulations.

P.O. TONNA:

Thank you very much. Okay, Legislator Vivian Fisher, for the purpose of a proclamation.

LEGISLATOR FISHER:

Thank you. My proclamation today is to the Nassau/Suffolk Autism Society. This is National Autism Month, and there needs to be a much greater awareness of this condition, which is diagnosed in children generally at about the age of 18 months. You can imagine the devastation to parents of a child who seems to be developing at a normal rate, because you can't detect autism easily. And at about the age of 18 months, the child begins to display a fear of strangers, which may seem normal because children do tend to develop a fear of strangers at that age. But this is an extraordinary fear of strangers, a fear of separation of their parents, and the diagnosis is frightening because we still don't know how to really deal with the problem of autism. The Nassau/Suffolk Autism Society helps as a support group for those people whose children have been diagnosed with autism. They help with the education, autistic children, and they help parents who need to find help. I have with me today Mercy Pena and Fran Kerimian. Is Fran here? So nice to meet you, Fran.

I will just read the proclamation, "WHEREAS, the County of Suffolk wishes to express its admiration and respect for the Nassau/Suffolk Chapter of Autism Society of America for educating the public on the needs, education and available services related to autism; and WHEREAS, the Nassau/Suffolk Chapter of Autism Society of America richly deserves the heartfelt congratulations of the Suffolk County Legislature for your outstanding lectures and workshops presented by distinguished professionals directly involved with autism, the third most common disorder in children; and WHEREAS, the Nassau/Suffolk Chapter of Autism Society of America has donated valuable time and made exceptional efforts to create public awareness of this complex developmental disability that effects the functioning of the brain in as many as one in 400 children; and WHEREAS, the Nassau/Suffolk Chapter of Autism Society of America has been an excellent organization for children, parents and professionals who are in need of updated research programs and resources; now, therefore, be it, RESOLVED, that I, Vivian Fisher, do commend you and congratulate you and also commend you for raising the awareness of autism in Suffolk and Nassau Counties." Thank you very much.

MS. KERIMIAN:

Thank you very much for the honor and the privilege of receiving this. I am a parent; my name is Fran Kerimian. I am a parent of two children with autism; two sons at the age of

15 1/2 and almost 13. Tommy and Michael have lived with me all their lives and I hope to continue to do so. What I ask of you today is to consider every bit of legislation that comes your way, please, implore you. Consider it and help us raise awareness of autism. Funding research is the most important thing we can do to help our children. Apply behavior analysis has worked wonders for my children. April is autism awareness. If you see this ribbon, you'll recognize good work is going on. Thank you very much for recognizing such an important group of people; it really touched my heart. Thank you very much.

MS. PENA:

I also want to say thank you to Legislator Vivian Fisher for giving this opportunity to the Nassau/Suffolk Chapter of Autism Society of America. I am a parent of a child with autism, and as a parent, believe me, it is a big struggle living with a child who has autism, who has communication and auditory impairment, and gets easily frustrated because the world does not understand him. And these children also have inappropriate behaviors, which makes it difficult when you take the child to public places, and people don't understand that the child has something different, and it's not that the child has behavioral disciplinary problems; that's a syndrome that's life long. So it's very important for you Legislators to help, to voice to the communities, to the counties and to the nation about finding a cure or finding behavioral programs that are going to improve autism. Researching autism is important and effective educational programs for children with autism is also important. Thank you very much to all of you.

P.O. TONNA:

Thank you very much, Legislator Fisher. I think this is our fourth year, and maybe I'll ask Legislator Carpenter -- about four years ago Legislator Carpenter had a great idea, which is, you know what, we should really recognize our volunteers. And since then it's become somewhat of a tradition here in Suffolk County and this is volunteer recognition month. And I'd like to just start with the first district; we'll go from 1 to 18. It's a little easier; it's tough for me to count backwards. So we'll start with number one and I'd just ask that you make your presentation, we'll move right along. Thank you very much.

LEGISLATOR CARACCIOLO:

Good evening, and welcome. Mr. Chairman, and members of the Legislature, as the Presiding Officer has mentioned, it was about four years ago that Legislator Carpenter had the wisdom to bring to our attention that throughout this great County of ours of 1.4 million people, there are many individuals who unselfishly on a day to day basis give of themselves as volunteers in a variety of different ways. And being the representative of the 1st District, I think, again we're dealing with another first, no pun intended. But tonight's recipient for the 1st Legislative District, which encompasses eastern Brookhaven town, the Towns of Riverhead, Southold, and Shelter Island is, in fact, from the Town of Shelter Island. And as such, and many people may quip that there are more deer on Shelter Island than people, and at certain times of the year that may be true, Mr. Hull has been very active and engaged in trying to help local authorities, from the DEC on down, get a handle on that problem because it's a problem that affects human beings, particularly when those deer step out or run across roadways and sometimes run into vehicles or vehicles run into them. And usually the result is a damaged vehicle and often times a seriously injured driver or passenger.

So it's really an honor, Mr. Hull, that we take tonight, set it aside and recognize you in your efforts to keep that problem in check on Shelter Island. It's a problem that's not unique to Shelter Island; in parts of Manorville and other parts of eastern Brookhaven and throughout the entire east end, as well as in the Towns of Islip and Brookhaven, along the

Fire Island seashore. Containing the deer herd is a very significant problem. So let me just take a moment and read a couple of appropriate provisions, whereas clauses from this proclamation.

It says, "WHEREAS, James Hull, is being honored by the Suffolk County Legislature as a volunteer who has unselfishly shared his time and talents with members of the committee. He as enriched our lives with his incredible energy; and, WHEREAS, James Hull, an avid hunter, took it upon himself to address the problem of deer over-population on Shelter Island by forming a group called Bow Hunters, whose focus is to educate people in the art of hunting, as well as to start a program to bring the size of deer herd to a more manageable size; and, WHEREAS, through James Hull's efforts a very successful program has been initiated, wherein hunters volunteer to hunt doe's only, in attempt to skew the ratio of fawns born each year and the Bow Hunters of Shelter Island initiate a program planting a grazing lot for the purpose of attracting deer to specific areas so that there will be less of a tendency to cross major roadways." And also beyond his efforts with the deer population, he's extending himself to the community by sharing with those in need in the community and the local food banks, venison, so that even those among us that perhaps don't have the means, would have some means of sustaining themselves. And to that we are very grateful. Let me just conclude that, Mr. Hull, it is with a sincere respect and admiration for those like you who have contributed of themselves so generously and professionally, where we take this opportunity to recognize you for your outstanding dedication to the residents of Shelter Island, to human kind, and to all the residents of this great State and County. Thank you very much.

P.O. TONNA:

Okay, Legislator Guldi. Michael, I'd ask that you let the Legislators speak. We're going to be here for about an hour.

LEGISLATOR CARACCIOLO:

Okay.

P.O. TONNA:

Thank you, and then LeeAnn will set up -- I think we have pictures outside. Okay, Legislator Guldi.

LEGISLATOR GULDI:

Understand that it is actually with deepest regret that I have to acknowledge Jackie Lofaro's more than a decade of work as a volunteer with the League of Women Voters, because if Jackie were not with the League of Women Voters, the entire political matrix on the east end would shift. But as a league volunteer she cannot be partisan, and I really regret that. But Jackie has, for more than a decade, served the league in various capacities, two terms or is it three, as the Hamptons President of the League of Women Voters. But in addition to that more than a decade of service, Jackie in her spare time, also, is a member of the Board of the East End's Aids Wellness Project and a volunteer for the group for the south fork and the Pine Barrens Society and the Nature Conservancy, and many, many others. Jackie, when you're ready to retire from the league, there's many things we could do. But it is in honor of more than a decade of service that I'm proud to honor you as the Volunteer of the Year from the east end. Congratulations.

P.O. TONNA:

Thank you very much, Legislator Guldi. If George, you want to go out back and take -- Legislator Towle.

LEGISLATOR TOWLE:

Thank you, Mr. Presiding Officer. I would ask Bill Ciccola from the Mastic Moriches Community Library to join me, along with Bill Doyle, who is a member of their Board of Trustees, and also Terri Germano who is here; if you would come on up for a second. Unfortunately Terri didn't know why she was coming here tonight. I would say I would imagine by now she's kind of got the wind of what's going on; in fact, for the last couple of days she hasn't felt well and this morning, in fact, she called my office in an attempt to get out of coming here tonight and we told her that we were honoring a bunch of interns that were involved with the Library and she had to be here this evening, which wasn't completely true; we were actually honoring her.

I have known Terri for a long time, probably as long as I've been involved in the community. Terri serves as the Department Head for the Teen Services Division of the library, but more importantly she serves as one of the organizers and coordinators for the Smith Point Beach Summer Youth Program. And it is because of Terri's work and guidance and help that we have been able to give a lot of the children along the south shore of Brookhaven a safe place to go, enjoy their Summer and get involved in positive activities, as opposed to negative activities. And I'm really pleased to be able to honor her as the Volunteer of the Year from the 3rd Legislative District this evening. Thank you.

P.O. TONNA:

Thank you, Legislator Towle. Legislator Caracappa.

LEGISLATOR CARACAPPA:

Thank you, Mr. Chairman. I'd like to ask Mr. Al Breud to please join me at the podium. Mr. Chairman, this is my Volunteer of the Year for the 4th Legislative District, which includes the hamlets of Selden, Centereach, Lake Grove, the Ronkonkomas, parts of Port Jeff Station, Coram, Medford, and Farmingville, where Al is from. Al is involved in just about everything you can imagine, and so I'm just going to briefly try and run through them, as it says in the proclamation.

Al moved into Farmingville with his family in August of '71. He immediately became involved as a co-founder and a charter member, and eventually President of the Bald Hill Civic Association; member and delegate of the Affiliated Brookhaven Civic Association; he is a member of the Farmingville Beautification Committee; the Farmingville/Holtsville American Revolution Bicentennial Committee; and Al is also Co-Chairman of the United Blood Drive Program since 1980 and has served as a Referee, Past-President, and Coach of St. Margaret of Scotland's Youth Soccer Program; and since '75 has volunteered as Santa Claus for Maryhaven, the center of hope children's holiday party. And Al, I know you did a good job as Santa Claus.

MR. BREUD:

I'm the only one that fits the suit.

LEGISLATOR CARACAPPA:

Also, Al was a past Trustee of the Farmingville Civic Association and currently serves as it's President. Al is also involved with the Farmingville Historical Society; that's where I really actually got to know Al intimately to start, as we worked on projects such as the Terry House in Farmingville. He is a Vietnam era veteran, he is a member of the Disabled American Veterans, as well as the American Legion Post in Selden. And he is here with his lovely family, Lynne, his wife, is here -- and I'll ask them all to stand. His daughters, Diane, Joanne, Christine, Michelle, and Albert, Jr., and he is the grandfather of Peter, Alexandra, Danny, Sharon, and Carl. And I might add, Mr. Chairman, there is some

lineage with Mr. Breud and this body as it currently exists with our colleagues, for his daughter is married to Legislator Towle's brother.

P.O. TONNA:

I'm sorry to hear that.

LEGISLATOR CARACAPPA:

So I figure we can get him some sympathy while he was here, for that.

P.O. TONNA:

Absolutely.

MR. BREUD:

We all make mistakes.

P.O. TONNA:

We might even take up a collection.

LEGISLATOR CARACAPPA:

But, Mr. Chairman, it's with great pride and privilege that I present this proclamation to Al for his dedicated service to the community for which he lives in. And as I said to you over the last minute or so all of the things he has done at large for all the people of Farmingville, he has also done so many things for people on an individual basis, and I'm happy to say, and proud to say that I've been one of those persons to benefit from his generosity and his friendship. And, Al, I present this to you both as a Legislator but more importantly as a friend of yours, because you've been a great friend to me and you certainly deserve this award for all of the great things you've done for the people of Farmingville. Congratulations.

MR. BREUD:

Thank you.

P.O. TONNA:

Thank you very much. Legislator Fisher.

LEGISLATOR FISHER:

Thank you very much, Mr. Chairman. The recipients of my volunteer award is Miss Jane Capon. Jane is not going to be here this evening because she is quite ill. Receiving her proclamation will be her husband, Steve. As you know, I have only been in office for a little over a year, and during that time there are people in my district who I have come to know very well; people who are in the civic associations and other community activists and advocates. Jane Capon is a member of the Terryville or Port Jefferson Station Civic Association. And I quickly came to know her because she is a woman of tremendous energy, intelligence, and is an extraordinarily articulate spokesperson for her community.

Jane found that there were windmills that she had to battle, and the name of that particular windmill in Port Jefferson happens to be the Long Island Railroad. The Long Island Railroad expanded its yard and expanded it almost into the Capon's yard. It has been a tremendous hardship for the neighbors here, the noise of the idling railroad cars and the whistles at night, the diesel fuel that has invaded their homes, and it may be the reason why Jane is ill today. The doctor has found diesel fuel in her lungs, diesel fuel deposits in her lungs. Jane has accomplished a great deal by her energy, by galvanizing her community. The Long Island Railroad has agreed to put up a wall to help with the

noise abatement. The Long Island Railroad has lowered the lights and has put in less powerful lights in the yard. They have also agreed not to idle the trains for as many hours, because trains have been left to idle from 48 to 72 hours at a time, sometimes as much as a week at a time, causing great distress to the people in Jane's neighborhood.

So because of her determination, her energy, her -- just her personality, Jane has gotten people together, really fought the giant and claims that Mr. Pendergast is leaving the Long Island Railroad just because of her, just in order to avoid her calls. Everyone knows her by first name; she has gotten Ken LaValle to know her very well; Steve Englebright knows her; everyone has worked with Jane, who thought a year ago that she would never be able to speak in front of an audience and she has done a wonderful and remarkable job. And I'm very privileged to have gotten to know Jane very well. In fact, she invited me to camp out at her house one night so that I could hear what the trains sound like in the middle of the night. I agreed but then she chickened out at the last minute. But anyway, I thank you, Steve, because you've been part of this fight and we're getting there little by little, and congratulations to you.

MR. CAPON:

Thank you very much.

P.O. TONNA:

Thank you very much, Legislator Fisher. Legislator Foley.

LEGISLATOR FOLEY:

Thank you very much. Doug, could you please come forward; Doug Steigerwald. How are you, Doug?

MR. STEIGERWALD:

Good.

LEGISLATOR FOLEY:

You know, over the past several years there has been a lot of discussion, not only in this County but throughout the Country, about downtown redevelopment and the need to revitalize our downtown communities, when the most important facets in that battle is the roles that volunteers and chambers of commerce play in working with local communities and governments and businesses to help turn around downtowns. One area, in particular, where we can use almost as a template, as a model of volunteers making a huge difference in the life of their community, is in the downtown Patchogue area and, in particular, with the greater Patchogue Chamber of Commerce. And with us here this evening is Mr. Doug Steigerwald, who is a volunteer unparalleled, I would say, in his commitment to our community. Doug has been involved in a variety of great campaigns to help downtown Patchogue, the Bellport area as well, whether it's to bring new businesses, whether it's to beautify a downtown area, whether it is to bring parades into an area, whether it is simply to give direction vision, and leadership to a whole cadre of volunteers who are looking for that leadership in order to be pointed in the right direction. And Doug has been able to do that.

Now just on a more humorous note, those of us who are students of local or recent history, we know that back in the 60's there is something called flower power, right? Well, Doug also happens to be the owner of the Long Island Flower Garden on South Country Road in East Patchogue. And many a time we talk about the influence of flower power and how we have been able to mobilize a whole array of different people from all different

backgrounds to work together for a common good. And that is to help to turn around a particular area.

So, Doug, for all those reasons and many other reasons that we could both speak about for hours, I think, and many other volunteers who are being honored here tonight could also speak for hours about the variety of ways that they have helped their community and the challenges and all the rest that goes into trying to be a volunteer and making a difference in one's life and in one's community. I would like to wholeheartedly, and with great zeal and vigor, give you this proclamation on behalf of the County Legislature. And for me, in particular, just to say how grateful we are, and that I am, for the fine work that you have done. And I know that the best is yet to come, Doug, and I just want to wish you the best of luck and congratulations. Way to go, buddy.

MR. STEIGERWALD:

Thank you very much.

LEGISLATOR FOLEY:

For a change, ladies and gentlemen, he will skip the opportunity to speak.

P.O. TONNA:

Well, I love your volunteer's hairstyle. I just want you to know I am very particular to that type of hairstyle.

LEGISLATOR FOLEY:

That was one of the qualifications.

P.O. TONNA:

That's what I figured, Legislator Foley. I knew Legislator Foley when he had his hair down to here in high school. Okay, Deputy Presiding Officer, Steve Levy.

LEGISLATOR LEVY:

About 10 years ago -- it was probably more than 10 years ago, Chestene gave me a call at the office and she said, Steve, can you give me something good to do with my time? And I said, well how about working on my campaign 24 hours a week? And then she laughed, fell on the floor, and then when she picked herself up, she said, No, I want to do something exciting and worthwhile. I said, oh, okay. So, I said, how about joining in with the local food pantry? And she got on board that day and she's been there ever since, and that was just the start. She's been involved in so many other good causes throughout the south shore of Islip Town and some of Brookhaven, as well. She's also been a director on the Board of Mercy Centers for young girls. She is also involved with Dowling College and their teacher preparation program. And just the other day, I joined up at the Rotary Club celebration of the Interract Committee, which is youngsters from the local school who go out into the elementary schools and work with the young kids and also work with the elderly. And who was there running the show? Chestene Coverdale.

I hope that everyone in this room, not only the Legislators but those in attendance, can one day in your life experience what it's like to know someone like Chestene Coverdale. She is just the epitome of what compassion, concern, and downright friendliness is all about. So, Chestene, I am very honored and pleased to be able to present to you this proclamation as the Volunteer of the Year from the 8th District in Suffolk County. Thank you for all the good work you do for all of us throughout the County and God Bless you and your family.

MS. COVERDALE:

Thank you.

P.O. TONNA:

Thank you very much, Deputy Presiding Officer, Levy. Ginny Fields, Legislator Fields.

LEGISLATOR FIELDS:

Thank you. My volunteer that I am honoring this evening is a lady named Nancy Ramgatie, and I'd like to bring her up here. We, in the district, have a town called Central Islip and Nancy has been a volunteer and a board member of the Central Islip Civic Council, which is a group that has kind of helped rebuild the Town of Central Islip, or the community of Central Islip. She's worked in the food pantry, purchasing, stocking, and bagging food items for the needy; she has actually maintained and harvested that garden with her family during Summer months; she's been a volunteer with the Hecksher State Park Summer Youth Program, helping to volunteer for bringing children to the park in the evenings and during the Summer; she's worked with the Girl Scouts of America; she has helped with Memorial Day parades; she's decorated Central Islip Town for holidays; and she's also been involved with the Central Islip PTA.

And so tonight it is my honor to recognize Nancy for all of the good work that she has done for the community and continues to do, and I would like to congratulate you.

P.O. TONNA:

I would ask that before I announce the next Legislator up, I'd ask that all Legislators, except for those who are taking pictures, to come back to the horseshoe, please. We're going to wait until the Legislators come back. By rules of attrition, I think we have half the group here. So maybe, Linda, if you could spread the message. We're waiting for everyone else to come back.

LEGISLATOR ALDEN:

Paul, you don't want to throw a couple of jokes in --

P.O. TONNA:

I've got a couple of jokes if you want. They're all one-liners, though; now, I'm teasing. Okay, we have Legislator Guldi back; that's enough jocularity for the -- is that how you say it? Anyway, Legislator Alden, if we want a good laugh we'll just have you speak. Go ahead.

LEGISLATOR ALDEN:

Thank you. The volunteer I'm honoring is Michael Davies, and I've asked Nora Detweiler to come up -- Nora is the head of the Keep Islip Clean. And what Michael's done is almost too much to go into at this point in time, but as a student at Islip High School, he organized a Keep Islip Clean Program and went way beyond what he even was asked to do. He went and developed a course and taught in the grammar schools. He also taught in the Islip Middle School. He organized parties that went out and cleaned up the area. And I was privileged enough to actually sit in on one of his classes, and he's an amazing young man. He's a motivational type of guy; the kids were very, very enthusiastic. He took them out and actually got them to clean the side of the school where people had sprayed all kinds of obscenities and other types of things. So it's a real pleasure for me to honor Michael tonight. And like I said, I have Nora joining with me to honor him, and this is only the beginning of a long career, I think, and you did a great job.

MR. DAVIES:
Thank you.

P.O. TONNA:
Michael, are you interested in elected office?

LEGISLATOR ALDEN:
In four years and he's all set.

P.O. TONNA:
All right, there you go.

LEGISLATOR ALDEN:
He's going to law school after that.

P.O. TONNA:
I would ask -- Linda, could you try one more time? I know how forceful you are with me. Can you just try one more time? I worked with Legislator Guldi, I can see that, but he's a pushover generally. Tell Legislator Foley he's got to stop talking. All right, after listening to the cogent arguments of Legislator Binder, which is far and in between, I would call up the next Legislator, Legislator Angie Carpenter. Where art thou? There you go.

LEGISLATOR CARPENTER:
Thank you very much, Paul. It really is kind of nice just sitting here listening to all of the wonderful stories because it really gives us a flavor for what makes Suffolk County such a special place. And one of those institutions that makes Suffolk County so special is part of whom I'm honoring here tonight as my Volunteer of the Year for the 11th Legislative District. And that institution is Entenmann's; someone that I'm sure everyone in this room is familiar with in some way or another, that tonight I am recognizing the employees of Entenmann's and all of their volunteer efforts over the years. So I would ask if Angelo Wing, Mark Campo, Mike O'Neil, and Joanne {Gurrero} could please come forward. They are here representing the 1,500 employees of Entenmann's. And Entenmann's has set a wonderful example to their employees on how to give back to the community. They have been very, very generous as a corporate entity. But their employees have been equally a generous.

And some of the examples are one very special one, very near Entenmann's Bakery is a social service agency called, Pronto; over 20 years ago, the employees of Entenmann's, or many of them, helped working on building an extension to the building at Pronto because they were bursting at the seams. And to this day, the employees are still involved with the agency, at holiday time, in particular, with gifts, toys for the kids that would otherwise not have Christmas. They've also been involved in United Way; in the last 15 years, Entenmann's employees have contributed over \$600,000 to United Way. They have also been involved in blood drives, they've been involved in helping with scholarships for the local high schools; the list goes on and on. But I think just as Entenmann's has been a good corporate citizen in model for volunteerism, the employees of Entenmann's really have been models. We are very, very proud to have a company over 100 years old in our County of Suffolk and especially to the wonderful, special employees of Entenmann's. Thank you all very, very much.

P.O. TONNA:
Thank you very much. I love that crumb cake; that crumb cake is something. Okay, Legislator Crecca.

LEGISLATOR CRECCA:

I'm going to ask Harriet Meyer just to join me at the podium. And, Harriet, if your husband, Louis, would like to come up, too, that would be great. My office actually received a lot of nominations for this Volunteer of the Months award. You can come right over here, Harriet. And so we had a tough choice. And we actually sat down, myself and my staff members, going through, and we were looking for things like how long and how many years of service has somebody put in, what are they doing for the community? And we really looked to see who made a difference in people's lives. And we came up with Harriet Meyer.

Harriet is a resident of Hauppauge, my hometown, and today it's my great pleasure and honor to bestow the Volunteer of the Month award on you, Harriet. Harriet exemplifies the word volunteer in my district by providing outstanding service to the elderly of our community there. Harriet plays the piano, and she plays and conducts sing alongs and name that tune, right, for nursing homes, veterans hospitals in Northport, and for day care centers, also.

Harriet volunteers every week, Monday through Thursday, and sometimes she does two facilities a day. And this is all done without compensation or without pay. She's received awards from the Hauppauge Rotary Community Service Award; she's twice been honored by Newsday for her volunteerism, and by Suffolk Life, as well as LUX Radio; she has served as President of the Sherwood Brothers American Legion Auxiliary; she's been Vice-President of the Lutheran Center for the Aging Auxiliary; and she's also a member of RSVP, which is the senior volunteer program in our town, the Town of Smithtown.

But as I said, she has brought tremendous joy; we've talked to some of the people that you've served, to people in nursing homes and vets hospitals; so it is a great honor for me, on behalf of the entire Legislature here today, to honor you with this proclamation. And I thank you, Harriet, for all your service to our community.

P.O. TONNA:

Thank you very much, Legislator Crecca. Congratulations, Harriet. Legislator D'Andre, for the purposes of recognizing your Volunteer of the Year.

LEGISLATOR D'ANDRE:

Front and center, Mike.

P.O. TONNA:

I guess he's a veteran.

LEGISLATOR D'ANDRE:

A real American. Michael, I hope I can say enough words -- bring your wife up here, come on up here. It was not very hard, Mr. Chairman, to pick out Mike Brady as a Volunteer of the Year, Month, and so on and so forth. Mike is a Vietnam Veteran; he works with about 2,500 young children in Smithtown, all on donations. And besides that -- you know, it's easier to read the proclamation because this is in detail, Mike, and it states the things you've done besides working with the children.

"WHEREAS, Mike T. Brady has been selected to receive the 2000 Suffolk County Volunteer Recognition Award, representing the 13th Legislative District, for his selfless dedication not only to veterans but to the entire Smithtown Community; and WHEREAS, in addition to being Executive Director and Founder of the Smithtown Veterans Youth Program, Mike's

volunteer services include the Long Island Veterans Home, Long Island Health Care Planning Committee, Veterans Assistance Network, Veterans Monument Task Force at Stony Brook, Vietnam Veterans of America, American Veterans Post 55, VFW Post 395, American Legion Post 833, and Board Member of Beacon House."

Now that's quite, quite an undertaking for Mike. And he does this selflessly. He volunteers for our community -- why he got out of the service, I don't know, I would have stayed in and took a pension, but Mike decided to come out and he's given all this time to our community. And I don't know, Mike, what we can do for you, other than wish you God speed, and your wife standing at your side; you really make our community proud. And the work you do with those young boys and girls that you keep out of trouble -- or are they all boys?

MR. BRADY:
Boys and girls.

LEGISLATOR D'ANDRE:
Boys and girls. You keep them out of trouble at the park, and you just -- it's hard to describe just how well you do this work and how well you enhance our community, and I'm proud to know you, Mike.

MR. BRADY:
Thank you. May I say one word, Mike?

LEGISLATOR D'ANDRE:
You certainly may.

MR. BRADY:
Can I just thank the Legislature because you guys help me out quite a bit, so without the Legislature my program is not as successful as everybody thinks. Thank you.

P.O. TONNA:
Thank you, sir. Legislator Dave Bishop.

LEGISLATOR BISHOP:
Mr. Chairman, my award recipients is an organization called Christmas in April, and as the name suggests they do remarkably generous things at unexpected times. But this being April, it's their busiest time of year to do their good deeds, so they asked to be put over until May, which is what I agreed to do.

P.O. TONNA:
That sounds great. I saw Christmas in April and I said, I guess that means -- I don't know what that meant, but I get it now. Okay, Legislator Maxine Postal.

LEGISLATOR POSTAL:
I guess Christmas in April is going to be Christmas in May this year. I'd like to ask Sandy Thomas to join me. Sandy Thomas is an extraordinary woman. You know, I could tell you -- first of all, Sandy is a social worker and this is not her volunteer aspect, but her professional aspect because she goes above and beyond the call of duty, even there. She is a social worker with Eastern Suffolk BOCES and she works with children with very, very severe special needs. As a matter of fact, she once brought a class, I remember, to the Legislature, and I remember being amazed at her ability to communicate successfully with the children she works with. So on the job she deals with some real tough goals.

But as a volunteer she truly is extraordinary. And there are many things you could say about Sandy. Just to name a few; she is one of the Founders of Resurrection House, which is a shelter, an emergency shelter, for people in the Wyandanch Community. She's Co-Chair of the Delta Youth Committee, Delta Sigma Theta sorority, which is a service, an educational sorority; she's a Eucharistic Minister with her husband, Doug, at Our Lady of the Miraculous Meadow Church in Wyandanch. By the way, she also helps Doug, who is a trustee of the Wyandanch Wheatley Heights Ambulance Corps; so even though that's his volunteer effort, she plays a part in that, too. She's also Co-Chair of the Half Hollow Hills PTA Diversity Committee. But I think the most amazing thing about Sandy, and the thing that I admire most, is what she does as President of The Concerned Taxpayers of Wheatley Heights/Dix Hills.

For those of you who don't know Wheatley Heights, it's a small area of the Town of Babylon; it's probably the best kept secret in the County of Suffolk because it's probably the most beautiful community I have seen anyplace in Suffolk County. Geographically it is beautiful with wooded rolling hills. But from a human and humane point of view it's probably the most beautiful community that exists on Long Island because it is a community that is multi-racial, multi-ethnic, multi-cultural, spans all ages, all backgrounds, and it's a community that truly works together. It's what we should all see all across Long Island. If we could truly replicate the Wheatley Heights Community and The Concerned Taxpayers of Wheatley Heights/Dix Hills, we wouldn't have to hear about the kind of bias crimes that we hear about from time to time. And Sandy is President of that organization. Now I could tell you that that organization has managed to ban heavy truck traffic from Straight Path, which we thought was an impossibility; got a traffic light in front of an elementary school, which we thought was an impossibility; got a major road improvement, drainage project done, which we thought was an impossibility; stopped the same mining operation from the Federation of Jewish Philanthropy's property; and I could go on and on about what this organization has done. But the fact is that it does so much more because it makes every one of the residents of Wheatley Heights a part, a contributing member, of the decision making aspect to the community, a partner in the community. And that creates some feelings that are more valuable than anything you could name. And Sandy Thomas is responsible for that, as the President of the organization. You would think she was paid for doing this because she does it twenty-four and seven. And for that reason, it is my pleasure to designate her as my Volunteer of the Year for 1999.

And before I leave here, I just have to tell you one little story that really tells you a lot about Sandy and the organization. A number of years ago, I was in Wheatley Heights knocking on doors, as we tend to do, particularly in odd-numbered years, and I was there with Joe DeVincent, who some of you will remember. Joe was on one side of the street, I was on the other side of the street. Sandy didn't know Joe. Sandy happened to be driving by in her vehicle in the afternoon doing whatever she was doing, as we all take care of our chores, and she saw this person down the street whom she did not know and she knew he didn't live in Wheatley Heights. So she pulled over and she put down her window and she said, excuse me, may I help you? That's how well she knows who lives in Wheatley Heights, who belongs in Wheatley Heights, whose a visitor to Wheatley Heights, and that's why she does such a great job. So, Sandy, thank you.

P.O. TONNA:

Congratulations, Sandy. Okay, Legislator Allan Binder.

LEGISLATOR BINDER:

The person I am going to honor today as my district's volunteer, a premiere volunteer, couldn't be here tonight because she is very ill, and so her parents, John and Betty Kilborne are here, and if they can come up to accept the proclamation. The person being honored from my district tonight is Carol Vandermaas. Carol is a very, very special person. She has always given of herself in and around this district. There are people who you don't have to really call; they just know that someone needs help and they're always there and they are always volunteering their time. And they're kind of the unsung heroes, the ones that are not always out front. And sometimes they're thrust out front after a while because people know who they are and people know what they're doing.

And so, in Greenlawn, particularly, Carol has done all the leg work, the late nights, doing all the work that had to be done to really protect the community. And she's been involved with the Greenlawn Civic Association and been the backbone there. She's the backbone of ABC, which is another civic association. She is, even outside her own particular district, in Ellwood, she is the backbone down there and provides all the behind the scenes work while some people are out front. But she is the one that is actually doing the real leg work, doing all the work that needed to be done.

And so it's only right to honor those people, I think, that don't get the recognition. Again, it's unfortunate that she couldn't be here tonight to accept this, but I would like to give this to her parents and thank them because obviously without you we wouldn't have Carol and Carol is very important to us in our community. Thank you very much.

MR. KILBORNE:
Thank you very much.

P.O. TONNA:
Mr. and Mrs. Vandermaas, Carol has our prayers.

MR. KILBORNE:
Thank you very much.

P.O. TONNA:
Thank you. Okay, Legislator Cooper, you want to make just a quick announcement about your volunteer?

LEGISLATOR COOPER:
Yes. It was an easy decision for me to select my Volunteer of the Year, Jane and Frederick Seymour, an 86 year old couple that are more active in my community than I am by several times over. Unfortunately, Mrs. Seymour was hospitalized recently and was not able to come here today. I am hoping that she will be able to attend the next session of the Legislature. If not, we are going to be having a private ceremony at my district office. Thank you very much.

P.O. TONNA:
And I would have to say, Vinnie Sciacca, who's head of the Sunset City Civic Association is missing in action. I have no idea where he is. We put out an APB right now. Okay, we are going to take a two minute break so that some of the Legislators can finish their pictures and we'll back at -- an eight minute break -- we'll be back at 7:00 ready to roll. Thank you.

(THE MEETING WAS RECESSED AT 6:52 P.M. AND RESUMED AT 7:05 P.M.)

P.O. TONNA:

The public hearing is first, and I think he is out in the breezeway. Chris Mangi to talk about police issues. George, could you do me a favor and say -- oh, there's Chris. Chris, you're first up. Do we need to do a roll call, Henry?

MR. BARTON:

No.

P.O. TONNA:

Okay, we're going to move on with the meeting everybody. We have our first speaker, Chris; this is for the public hearing. You filled out a card to speak on which issue? You need to turn on the mike, Chris. We just need to get organized for a second. Hold on one second.

MR. BARTON:

Mr. Chairman, we have four public hearings this evening and I have affidavits of publication on each of them.

P.O. TONNA:

Okay. Let's get on with the business at hand, please. We're into the public hearing section. I'll start reading these off. Public hearing, No. 1254 (Adopting Local Law No. - 2000, a charter law to implement smart growth by designating open space of critical environmental concern in connection with suburban renewal at Pilgrim State site). There are no speakers. Is there a -- Motion to recess by Legislator Bishop. Mr. Bishop, a motion to close? On 1254, it's your bill. Recess? Motion by Legislator Bishop, seconded by myself. All in favor? Opposed? Recessed?

Public hearing, No. 1291 (Approving cross bay license for Beach Taxi, LLC.). Is there a motion? Okay, I'll make a motion to close.

LEGISLATOR CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Crecca. All in favor? Opposed? Closed. Okay, No. 1331 (Adopting Local Law No. -2000, a local law to extend County health benefits to same gender domestic partners). Chris, I think this is the bill you wanted to speak on, right? Where are you, Chris? Come on up. I lost the card. Is the mike working?

MR. MANGI:

Yep.

P.O. TONNA:

Okay, hold it one second. We have a speaker and I would ask that all Legislators sit at the horseshoe in their proper seats. Thank you. Okay, Chris.

MR. MANGI:

Okay, thank you, Presiding Officer, Tonna, all Legislators. Thank you for allowing me to speak. I will just tell you a little bit about myself briefly and then why I am here speaking in front of you today. My name is Police Officer Christopher Mangi. I have been a police officer for nine years; five years with the NYPD, four years with the Suffolk County Police.

The reason I'm speaking in front of you today is, something concerns myself and other fellow police officers in the Suffolk County Police Department, that is the domestic partnership bill that is being introduced. I'm here to talk for it.

You know, I've been with my partner, Matthew, who is here today, for seven years. We have been in a committed relationship for seven years and we're not entitled to the same benefits that somebody could get if they were married. We would be married if it was legal; it is not. So, he is not entitled to my benefits. As you know, as a police officer we do get a lot of benefits; dental, health, eye glasses. Matt is covered through his job; he works for New York City, he is an engineer for the Department of Environmental Protection. However, there are certain benefits that are not covered, like death benefits. If I was to be, God forbid, killed in the line of duty and I was married, my spouse would receive my pension for the rest of her life. He would not receive that; nobody would receive that. There is also other lump sum benefits that he would not receive upon my death, and that's basically our concern with this bill. We would like to get it passed if possible. It is something that is very important to us. We have some investments together, we have several real estate investments, and we've built quite a relationship. And either one of us probably would not be able to survive without the income of the other one, or without some sort of compensation if something were to happen to one of us. So that's why I'm here speaking to you today. That's basically all I have to say.

P.O. TONNA:

Any questions? I just want to say, Chris, I've known you personally for a number of years, and the courage that comes to come down here to speak on the subject, so thank you very much. Are there any questions? Okay, thank you, Chris. Thank you very much.

MR. MANGI:

Thank you.

P.O. TONNA:

Okay, with regard to public hearing No. 1331, Legislator Postal, is there -- motion to close. I'll second that. All in favor? Opposed? Okay, we closed that public hearing. Oh, there is another speaker? Okay, I'm sorry. There are other cards? Okay, did you fill out a yellow card or a green card?

MR. SEBOR:

Yellow.

P.O. TONNA:

Can you tell me your name, sir?

MR. SEBOR:

Stephen Sebor.

P.O. TONNA:

Stephen, come on up. Come on down. Are there any other people who want to speak on this bill, by the way? Did you fill out cards?

UNIDENTIFIED SPEAKER:

Yes, we did.

P.O. TONNA:

Yellow or green?

UNIDENTIFIED SPEAKER:

Yellow.

P.O. TONNA:

All right, what happened there? Henry, it's okay, it happens. Okay, can you find their names and stuff. Thank you very much.

MR. SEBOR:

Good evening, my name is Stephen Sebor, and I'm the Long Island Field Organizer for the Empire State Pride Agenda. I've appeared before you before on this issue of the domestic partnership bill. I think it's real, real important in taking a step to recognizing gay and lesbian relationships. And what's unique about the bill that Legislator Postal has now introduced is that it applies only to same gender, domestic partners. Well certainly we at the Pride Agenda would endorse either bill because we think it's important that any bill that would extend health benefits to families who are in need of these real benefits, certainly same sex couples do not have the opportunity to get married and cannot get married, so have no way to get access to these benefits. So it's a real important distinction to me.

Domestic partnership benefits are any benefit that are provided by an employer to accommodate the employees' family needs. And in short, any benefit that is currently provided by the County to married employees for the benefit of their spouses and their families and children would be extended to unmarried employees for the benefit of their domestic partners and the children of their partners. This includes health and dental benefits, family sick leave, bereavement leave. And in doing so, the County recognizes that many couples who live together often have personal relationships and bonds that are just as strong as that of married couples; that without a marriage license these relationships are not recognized and therefore these couples and their families are denied real benefits and receive less compensation than their married colleagues take for granted.

Passing the domestic partnership bill that grants the same benefits available to legally married couples is the right thing to do. Anything less would serve to continue a system where employees do not receive equal pay for equal work and are effectively discriminated on the basis of sexual orientation. Another important reason to pass this legislation is that it would increase access to health care. Currently there are more than 45 million Americans who are uninsured in this Country. Providing a registry for domestic partners and granting these benefits to the partners and their families will effectively increase access to health care. Individuals and families who are going to come forward for these benefits, in fact, either do not have access or they are underinsured currently. Health care costs, as you know, have skyrocketed and many people remain without access because they can't afford adequate coverage.

In past, hearings on this issue, concerns about the costs of providing these benefits have been raised, and let me state again, for the record, that it is no more costly to provide benefits to the partners of domestic partners, than it is to provide for married spouses. The County really has to anticipate that every single employee that they hire should have access to benefits for their families, and that's the reality. And the fact is that many -- you know, not every single couple is going to come forward for these benefits. Many families have two working parents and are fortunate enough to have access to health care through other means. But certainly the people who will come forward for these benefits really truly need them. And again, these benefits are taxed; they are a taxable income, so again it's not something that's -- it's a small step in the right direction, and it's very important that

we take that step to recognize these relationships. But let's not kid ourselves; it's certainly not full equality.

In closing, I'd just like to remind the Legislators that more and more companies and government agencies are recognizing the importance of providing domestic partnership benefits; New York State, Albany County, Rochester, Ithaca, and New York City are all among them, and I hope that Suffolk County will be the next to do so. Thank you.

P.O. TONNA:

Thank you very much, sir. Is there a question? Yes, Legislator Postal, then Legislator Fisher. And I'd just mention to the Legislators, we're only going to stick with questions. I'm going to rule with a wooden gavel, iron fist, today; questions only.

LEGISLATOR POSTAL:

Stephen, it's good to see you again. Are you aware that there is a corrected copy of the bill I introduced, so that it no longer applies only to same gender partners; it now applies to any domestic partnership. Thank you.

MR. SEBOR:

Okay. Great. Thanks.

P.O. TONNA:

Legislator Fisher.

LEGISLATOR FISHER:

Hi.

MR. SEBOR:

Hi.

LEGISLATOR FISHER:

You mentioned a number of municipalities that have health benefits that extend to domestic partners. Are they same gender or are they any domestic partners? Do you know?

MR. SEBOR:

Sure. I think in the information that we've distributed before, and I could certainly get it to you again, the majority of couples that do come forward are, in fact, heterosexual couples. It's generally a 55% to 45% split.

LEGISLATOR FISHER:

I think I remembered; I just wanted to double check. Thank you.

MR. SEBOR:

You're welcome.

P.O. TONNA:

Thank you very much. Any other questions? Thank you. Deborah Bagielto. Thank you very much; I have the official pronouncer right over here, I want you to know.

MS. BAGIELTO:

You were good. Hi, my name is Deborah Bagielto, and I've been a Suffolk County resident for the majority of my life. I am a domestic partner of a Suffolk County employee and I'm here today to represent all those who would be affected by the domestic partner benefit. We are real people with a very real problem. We are women and men who live every day lives, much like you, who require medical attention but for various reasons do not have medical coverage. In my case it's because my partner and I decided to have a family. We also agreed that it's in our best interest of our children that I would stay home and raise them, much like our childhoods where our mothers were there to guide us.

On May 10th, 1999, our dream became reality and I gave birth to twin daughters. Sadly our daughter, Grace, lived only four days due to complications of premature birth. It took nearly two years to conceive a child and very expensive medical testing and procedures. Luckily at the time I was covered under my own insurance, through my job, and some of the expenses were covered. A large portion of the expenses had been paid out of pocket because infertility was not covered under my policy. If I had been legally married to a Suffolk County employee, it would have cost a few \$10 co-payments. I feel this was a great injustice. Many of you may think, well, they chose to go through with it, so they should have to pay. There are many married heterosexual couples in Suffolk County facing the problem of infertility, who chose to take the same course of action as we do and didn't have to suffer the financial consequences. Much like them, our child was conceived with love and a hopeful future. And it is simply not right to be discriminated against because we are not viewed as a typical family.

To me, a typical family is one with love, faith, and belief in the future; and we more than fit the standards. I am now a mother of a beautiful little girl named Jaclyn. Raising her is the most important and responsible job I have ever had. Unfortunately, motherhood doesn't come with a benefits package, in my case. My partner and I had to make a choice, of either trusting someone else to raise our child so I can work to have benefits, or to pay an extraordinary amount of money for medical coverage and stay home and raise our child. We decided it would cost us more emotionally if I worked. We were fortunate enough to be able to make that decision, while most people in Suffolk County are not. It shouldn't have to be a choice to make; we should be able to raise our children ourselves without suffering financially or medically, just as married heterosexual people.

We are taxpaying, law abiding, living, breathing, health conscious people, just like everyone else. We deserve the same benefits and respects as other families. If the laws were different and gay marriages were legal, we'd be married. But since they are not, this domestic partnership issue is a necessary step in trying to achieve equality and respect we deserve.

I could have played the political game and claimed to be an unwed mother, collecting food stamps and welfare and went on Medicare. I could have taken advantage of the system who is there to help those who truly need it, yet I did not because I am proud of who I am and I felt it would not be fair. Not giving domestic partnership benefits to Suffolk County employees is also not fair. I want to teach my daughter integrity and honesty; I want her to know right from wrong. Most of all I want her to know pride. I want her to be proud of herself, her mothers, her society, and her government. Treating one of her mother's like a second class citizen who does not deserve to receive proper medical attention when the option for benefits could be there is not a way to teach her pride. Having a happy and healthy mommy who can raise her and care for herself and her is. Thank you for your time.

P.O. TONNA:

Thank you very much. Karen Kolsch. Karen, come on up and tell me how to pronounce this.

MS. KOLSCH:

It's Kolsch. Change the o sound to an e.

P.O. TONNA:

Okay. Sorry about that.

MS. KOLSCH:

Hi, my name is Karen Kolsch, I have been a police officer for 15 years, I'm a resident of Suffolk County, I'm an employee of Suffolk County. I haven't had benefits for my partner in all the years that I've worked as a police officer, and I don't feel that's fair. I can train somebody who comes on the job brand new, first day on the job, and they get benefits for their partners, yet I can't get benefits for my partner. I adopted my daughter, so I have benefits for my daughter but I'm paying for benefits for my partner. I do the same job that everybody else does. I don't feel it's fair; I don't feel I'm getting equal pay. It's the Suffolk County Police Department and Suffolk County itself both have non-discrimination acts, which include sexual orientation. I don't feel that it's fair that I'm not getting equal pay; I feel that's a discriminating thing. Your benefits is part of your salary, it's part of your pay. I never had the need for them before so I never asked for them before.

There are a lot of people who are in the same situation that I was in and won't ask for them. First of all, there are people who are closeted; they don't feel the need to come out so they're not going to come out, so they're not going to take advantage of benefits. Other people, they both work and they don't have any children; they don't have a need. They get their benefits from their jobs. I don't have two jobs; I have one job. My partner stays home and takes care of our child, so there is no place for her to get benefits, except for me to pay for them, or if this County changes their policy and included domestic partnership benefits for those of different sexual orientation, for those people who aren't married, it would include everyone. The other reason why I don't feel that people would abuse this is because it's not something that they get without being taxed on. The benefits are added to our income, our W-2's at the end of the year, take the entire value that the benefits would have been, add them to our W-2 and we're taxed on it. So I don't see this as being something where people are going to use this as any kind of corruption. People aren't going to go out there and just get a boyfriend or a girlfriend and put them on there just so that they have somebody to cover. It's something that, you know, we have to fill out forms, there's different things that -- I don't know, health proxies, mortgages, leases, things like that, that they're asking for you to have together, and I really don't think that you're going to meet somebody one night and just sign them up for domestic partnerships. I don't think people are going to want to take on that extra tax burden. I don't see gay people coming out of the closet because they need them. They have a lot more mentally to get through than paying for it. They're going to come out if they need it; if something where you have a child and you don't have two people working, you don't have benefits for both people, then people will come out and use it. Does anybody have any questions?

P.O. TONNA:

Any questions? By the way, I wanted to thank you very much, as I mentioned to Officer Mangi, thank you very much for the courage to come down as a County employee to speak, and we appreciate the words that you've given us. Any questions? Okay, thank you very much.

MS. KOLSCH:
Thank you.

P.O. TONNA:
And I heard a baby crying back there. Was that --

MS. KOLSCH:
Yes, that's my daughter.

P.O. TONNA:
I'd love to see this. Look how beautiful. Thank you very much. Ralph Wilson, please.

MR. WILSON:
Good evening, my name is Ralph Wilson, and I work for the Empire State Pride Agenda. I guess I'd like to say, as a matter of workplace fairness, domestic partnerships would remedy a large standing problem by providing equal pay for equal work. A basic premise of the laws and policies that pertain to the workplace is that employees who do the same job are entitled to the same pay, in terms of both wages and benefits. The idea of paying better benefits to men, as opposed to women, or to white people than to people of color, has become unthinkable and the laws and practices of the workplace.

Imagine, if you will, being an unmarried person who has lived with a domestic partner for a number of years, and possibly being a gay person, like myself, and having to hear a married co-worker discussing the routine activities, such as taking their kid to the dentist, or unfortunately having to take time off to provide health care for a spouse who's fallen ill. In employment situations where no domestic partnership benefits are in place, this is an unsettling but not uncommon reality, because every employee's family needs are not being accommodated. Yet according to the U.S. Department of Labor, up to 36% of full-time employees' total compensation package consists of benefits, meaning that employers overtly pay their married employees more than a third than they pay their unmarried employees.

Such policies are not only unfair but inhumane, as a policy that denies a worker bereavement leave for the death of a partner. By redefining those that are eligible for family benefits, employees take a critical step towards remedying this system of discrimination. As of last year, nearly one in four Fortune One Thousand employers, 20% provided some form of domestic partner benefits, and over 80 municipalities and five states provide health benefits to the partners of their unmarried employees.

Under Governor Pataki's leadership, New York State became the second State government in the Country to extend full benefits to domestic partners of State workers. Hundreds of private companies operating in New York State provide domestic partnership benefits, including Newsday, Barnes and Noble, Bell Atlantic, the Jewish Board of Children and Family Services, Eastman Kodak, Time Magazine, and the Catholic Charities. I would just like to say, in closing, it should be noted that the experiences of hundreds of employers over the years have been consistent with regard to cost. It is no more costly to provide benefits for domestic partners than it is to provide them for spouses. No employee in the Country has reported that the premium for covering domestic partners on their health care plans is greater than the cost of covering a spouse. Any administrative cost would merely be associated with the tracking of those who seek benefits for domestic partners and making minor changes to personnel policies and forms to reflect the addition of domestic partner coverage. Thank you.

P.O. TONNA:

Thank you very much, sir. Okay, where are we.

LEGISLATOR COOPER:

Mr. Chairman, I have a question.

P.O. TONNA:

You have a question? I'm sorry.

LEGISLATOR COOPER:

Ralph, I had a question for you.

P.O. TONNA:

I think he had a question about you mentioning a number of companies, and you didn't mention Spectronics.

LEGISLATOR COOPER:

Yes, count us in. To your knowledge, is there any other class of citizens in Suffolk County or New York or most states in this Country, for that matter, where people could be fired from their jobs or evicted from their apartments or discriminated in other ways, not because of what they do but simply because of who they are?

MR. WILSON:

I'm sorry, I wasn't very clear about what I'm hearing. Are there other --

LEGISLATOR COOPER:

This is an easy question.

MR. WILSON:

I know, okay; actually, there are no protections outside of New York City -- well, actually there are eleven municipalities, including two counties and nine cities that do offer coverage, which include sexual orientation. But in New York State, no, that law does not exist.

LEGISLATOR COOPER:

Okay, but my question really was, except for the existing prejudices against gays and lesbians in Suffolk County and New York and throughout the Country, which in most states are legal; you can fire someone from your job just because they're gay, you can evict them from their home or apartment simply because they're gay. There's no other class of citizens where they would even attempt to get away with that, whether it was based on gender or race or ethnic origin or religion.

MR. WILSON:

Sadly, that's true.

LEGISLATOR COOPER:

So my understanding is correct, that --

MR. WILSON:

You're absolutely correct.

LEGISLATOR COOPER:

-- it's only gays where such prejudice still exists.

MR. WILSON:

You're absolutely correct; sexual orientation is the only one, that, you know --

LEGISLATOR COOPER:

Thank you.

P.O. TONNA:

Thank you very much. Margaret Arroyo.

MS. ARROYO:

Hi, my name is Margaret Arroyo, I'm a Suffolk County resident and I am also a Suffolk County employee. I'm a police officer for the last seven years. I'm here today basically to say that I really think that we should have domestic partnership. I, at this point in my life, unfortunately do not need it, but --

P.O. TONNA:

I'm sorry, Margaret --

MS. ARROYO:

Yes.

P.O. TONNA:

-- you're going to have to speak into the microphone, okay? We can hardly hear you. Just pick it right up. there you go. Thank you very much, Ma'am.

MS. ARROYO:

I have worked for the County for seven years. During that time I have been single, I am a lesbian and I don't have a partner. I work with a lot of other officers who are married, who are getting married, male and female, and they are automatically covered. If they get married, their partners are covered. If they have children, their children are covered. And they get the same benefits that I would like to enjoy. If there comes a point in my life where I find somebody that I want to spend the rest of my life with, I can't marry them in New York State; I don't have that privilege, I don't have that right to marry somebody, and so I'm going to have to settle for being a domestic partner.

What does that entail for me? Well, unfortunately that doesn't entail any benefits. I can't have a partner, I can't have a wife, I can't have someone and take care of them the way that they need to be taken care of, although the guy next to me who I work with or the woman next to me who's married does. And I think that's unfair. I mean, what I want is equal rights for the equal work that I do. I do the same exact job as everyone else, and yet I'm not compensated for it. And I don't see a reason for that. I don't think that there are that many people in -- and what Karen said is true; I mean, there are a lot of gay employees in Suffolk County. Not all of them are going to come out, and that's everyone's right. If you don't want to come out, I would be the last person to say that everybody should be out. Would it be helpful to the rest of us? Yes, it would, but that's an individual issue that somebody has to address on their own terms. So I really don't think there's going to be a huge influx of people, if this bill passes, who are going to say, okay, you know what, I'm gay, I want to have this domestic partnership now. I mean, I don't know all the intricacies of the bill that's being passed; it's changed a few different times since I originally heard about it. But I would like to see it passed. I think we deserve it, and it's the right thing to do, it really is. It's equal pay and equal rights and equal benefits to all Suffolk County employees. That's it.

P.O. TONNA:

Thank you. Any questions? Thank you, Margaret. Okay, Jacqueline Fioribello.

MS. FIORIBELLO:

Good evening, my name is Jacqueline Fioribello, and I'm a resident of Suffolk County. I've been a resident here for 34 years and I am employed by Suffolk County for the past 11. This is the third time I'm speaking on this particular bill, so I'll make this brief, trying not to repeat what everyone else has said. I am speaking now only as another face and another person saying, this is not fair. I do a job for the County, same as the guy next to me. I go home at night and have a life, just like my partner right next to me.

Unfortunately for me, I choose to live that life with another woman and have been with that woman for several years. I shouldn't have to be punished for this. My partner deserves medical benefits and my pension, just like anyone else. If I could just leave here letting all of you understand that I could be your daughter, I could be your sister, or I could be your friend. Please help us get what you already have; we shouldn't have to fight for these rights. Thank you.

P.O. TONNA:

Thank you very much, and once again, I want to thank you, as a County employee, coming down with the courage you have. Thank you. Is there anybody who wishes to speak on this issue? That was the last card. Sir, okay, you're going to have to state your name, rank, and serial number right up here. Thank you.

MR. {HINES}:

I hadn't intended to speak but I'm here and I'm listening to what's going on. My name is Mike {Hines}. I just want to say, I'm a Bell Atlantic employee, and one of the people had mentioned that Bell Atlantic provides this benefit already to its employees. They do. They do offer same sex, same gender, health benefits. It seems to work, and it seems to work fine. It's a huge corporation. None of my fellow employees complain about it. It seems to do the job that it's meant to do. And I really think that government should come and step up to the table with private industry and meet them in providing a fair and equitable settlement for people that need this kind of benefit.

P.O. TONNA:

In what capacity of Bell Atlantic do you work? Human resources --

MR. {HINES}:

No, I'm not here representing Bell Atlantic --

P.O. TONNA:

No, no, I understand that.

MR. {HINES}:

I'm not here on any capacity; it's just that that was mentioned, and it is offered in my corporation. And I can feel for these people. I came up to speak --

P.O. TONNA:

Right. I'm just trying to find out, because you mentioned it seems to work in your company --

MR. {HINES}:

No, I'm just a regular sales representative for Bell Atlantic.

P.O. TONNA:

In Bell Atlantic, there's no such thing as regular sales, I know.

MR. {HINES}:

I have nothing to do with human resources.

P.O. TONNA:

Okay, thank you, sir. Thank you very much. All right, we already closed that hearing, right? We don't have to -- We made a motion to close, but we want to make sure. Okay, the next public hearing is 1357 (Adopting Local Law No. --2000, a local law to prohibit sale or distribution of herbal cigarettes to minors within Suffolk County). We do have a speaker, Patricia Bishop-Kelly. Good to see you here, again.

MS. BISHOP-KELLY:

Good evening. I'm Patricia Bishop-Kelly, I am Regional Director of advocacy with the American Cancer Society. I'm here on behalf of the American Cancer Society to support the legislation proposed by Legislator John Cooper that would restrict the sale of herbal cigarettes to minors. Unfortunately, I didn't bring my prop cigarettes with me today. I don't know whether Legislator -- oh, yes, you do, very good. We do have a serious problem, and that is the onslaught of herbal cigarettes that will be coming very, very popular in the very near future. The deceptive marketing of these herbal cigarettes will attract kids. As you can see, this is one of the packages. It's called Herbal Gold, and it says, menthol, nicotine free, 20 herbal cigarettes. I don't know whether you can see the little logo on the front, but it looks deceptively like the little leprechaun from the package of Lucky Charms cereal, and then we'll pass that around.

Those cigarettes do not contain tobacco; they contain herbs. The companies that produce the herbal cigarettes use colorful packaging, cartoon-like characters and candy store flavors, like cherry, cinnamon, chocolate, and marshmallow, that appeal to the younger generations. This strategy was recognized by the tobacco companies as early as 1972 to entice children and teens to start smoking. Herbal cigarettes tend to cost less than standard cigarettes. We're seeing the same type of marketing strategies used by the tobacco companies to sell these herbal based products. The leprechaun on the packages of Herbal Gold is all too similar to Joe Camel, and is reminiscent of the leprechaun of the popular kids' cereal Lucky Charms. Children can and will equate these cigarettes with candy and with play. Kids are always mimicking adult behavior. Herbal cigarettes offer a deceptive avenue for kids to act more grown up and more adult.

This is a graduated strategy that will entice kids to start smoking early, with these so called healthy cigarettes. Eventually these kids will want to move on to a more adult form of smoking, namely tobacco based cigarettes. Three thousand kids start to smoke each day in our Country; one-third of them will eventually die from smoking related diseases.

We're trying to combat this trend and keep kids from picking up the habit, and these herbal cigarettes could represent a real setback for us, if they become popular with kids. Herbal cigarettes are marketed as an alternative method to smoking cessation. However, there is no scientific evidence to support this claim. There are proven methods of quitting smoking available that actually address the addictive nature of cigarettes. These products include patches, gum, inhalers, and oral medication, and now Suffolk County has embarked on a very aggressive, comprehensive tobacco control program, and your own Suffolk County does provide a very generous smoking cessation program.

We need to move away from the idea that because a product is natural it can be equated with healthy. The fact is that herbal cigarettes produce the same and sometimes higher levels of tar and carbon monoxide when smoked. Herbal cigarettes contain the same nasty chemicals found in tobacco based cigarettes. The fact is that smokers of herbal cigarettes are still burning and drawing into their lungs the same carcinogenic and cancer causing substances that do cause cancer, emphysema, in regular tobacco cigarettes. The idea of healthy is misleading; it's a deceptive way to market a product that has no redeeming value. We need to get to the truth about these products; they are not healthy like the manufacturers claim. They may not be addictive, but they are as harmful as tobacco based cigarettes.

Now getting to the regulation of these cigarettes, because they don't contain tobacco, they do not fall under the regulatory powers of the FDA, so they're not subject to laws that ban their sale to minors, which is why we need this kind of legislation. There needs to be some action taken towards regulating herbal cigarettes before the companies launch their television and radio advertising campaigns, which we feel are going to be slated for later this year. Right now the average age of beginning smokers is 13. We run the risk of lowering that number with the introduction of the herbal cigarettes to kids because they are virtually unregulated. We need to get back to basics; anything that you light and stick in your mouth will have health consequences. The fact of the matter is, there is no healthy way to smoke. The American Cancer Society strongly endorses this legislation and encourages its swift passage. Thank you very much. Does anyone have any questions?

LEGISLATOR HALEY:
Mr. Chairman.

D.P.O. LEVY:
Thank you. Legislator Haley.

LEGISLATOR HALEY:
Quickly, what's the status at the State level?

MS. BISHOP-KELLY:
I know that the bill that was introduced by Senator Marcellino has passed through the Senate; there was a companion bill in the Assembly introduced by Assemblyman Grannis and Gottfried. I'm still not sure whether or not it has wended its way through the Assembly, so there is bill pending.

LEGISLATOR HALEY:
Thank you.

D.P.O. LEVY:
Thank you very much. There are no further cards listed in this particular hearing. Before we close, I should just note for the record that Claire Millman of the Alliance for Smoke Free Air wished to have been here; she could not make it today. But she is introducing written testimony, which we will present it to the Clerk and distribute it to Legislators.

LEGISLATOR BINDER:
Mr. Chairman.

D.P.O. LEVY:
Legislator Binder.

LEGISLATOR BINDER:

Could I just ask the Clerk that he list me as a co-sponsor.

D.P.O. LEVY:

So done. Motion to close by Legislator --

LEGISLATOR COOPER:

I have a couple of letters from Dr. Bradley in support of the bill that I would like to also have put into the record, please.

(THE FOLLOWING LETTER WAS SUBMITTED BY DR. BRADLEY)

(INSERT LETTER)

D.P.O. LEVY:

Okay, please do. Thank you, Legislator Cooper. John, what's your preference? Do you want to close the hearing?

LEGISLATOR COOPER:

Yeah, that's fine with me.

D.P.O. LEVY:

Motion to close by Legislator Cooper, second by Legislator Caracappa. In favor? Opposed? It is approved for closure. Setting the date of May 3rd, 2000, 11 a.m. in the Dennison Building, Hauppauge, New York, for the public hearing related to 2001 Capital Budget and 2001-2002 Capital Program. Motion by myself, second by Legislator Foley. In favor? Opposed? So carried.

Setting the date of May 9, 2000, 2:30 p.m. in Riverhead, New York, for the following public hearings: public hearing regarding 2001 Capital Budget and 2001-2002 Capital Program. We'll do it all in one shot. Public hearing, resolution 1292, public hearing regarding resolution 1405, 1425, 1431. Same motion, same second, same vote. We now are going to the public portion. Each individual who comes to the podium has three minutes to speak. Our first speaker is Mike Hollander to speak on the 3/4% room tax.

MR. HOLLANDER:

Good evening. I'm here tonight in my capacity as the President of the Long Island Convention and Visitors Bureau. And as you know we are looking to re-up the 3/4 of 1% tourism tax that we apply on the hotel rooms. 33 1/3% go to the historic and cultural area and 66% percent comes to the Convention and Visitors Bureau. The total of funds received in 1999, to give you an idea, were about 955,000. That was up from 1998 of about 700,000. So what are some of the things that we do? Well, one of the things that we do is we have a brochure distribution of travel guides, and that's up over last year from 66,000 to 102,000.

We have a Guest Information Center, and the people that are stopping at those centers at the chalet and at the train is up 33% over last year. And, in fact, last year we opened up an information center at Tanger Outlets and that's been doing really good. And we're presently in negotiations with Islip to open up open at McArthur Airport. And it looks like it's on board, and hopefully by June 1st at McArthur there will be an information center. We staff those and man those and give out information on all of the entities that exist in Suffolk County.

We put a website into effect in 1998. Last week it got a new face. We have about 42,000 hits a week asking for information on where to go. On the new website, we included a new e-mail service; we are getting 25 requests a day for information on the e-mail as to where to go in Suffolk County. In 1998, we started an in-house tourism information services. So, in-house we have a phone system that's working 24 and 7, 24 hours a day, 7 days a week, giving us names and addresses to call back people who are looking for information. And during the day we have live people that answer the phones and give them information and send them out brochures on wineries, museums, beaches, and attractions, and hotels, and places to go.

In 1999, we generated more than \$12 million in leads for hotels in Suffolk County. Now our conversion rate wasn't as high as we would like to see it, but when the occupancy is as high as it is, the conversion rate's going to be low. But in the next couple of years, when you see these several thousand hotel rooms come into Suffolk County you're going to see that our conversion rate is higher because we are going to have a pool of business that is interested in coming to Suffolk County. We worked very closely with the College on the multi-purpose building putting in the indoor track, the outdoor track, and the indoor pool. And we've already had probably about 15 requests to be able to use that facility when it's not being used for educational purposes.

We've met with Greg Lauri, who's part of the Sports Department at the Suffolk County Department of Parks, and we're working with him on setting up a sports website and helping getting him introduced to deal with some of the sporting events that we deal with. In light of that, one of the things that we did, and most of these things you get copies of because you're on our mailing list for all this information, we began taking out a series of ads in a sportsy magazine, which is a local magazine, and inside the magazine it lists all the events happening in Long Island. And if you look at the list, you'll notice that about 70% of them are from Suffolk County. We started this based on the conversations we had

with Joe and a couple of other people about trying to get more of the sports involved -- you remember we had that conversation a while back. We're doing that and it's working.

D.P.O. LEVY:

If you can conclude please; your time is up.

MR. HOLLANDER:

Well, all I can say is that we're doing a very good job and we do have an appointment set up with John Cooper's committee to go talk more about the Convention Visitors Bureau in May.

D.P.O. LEVY:

Good.

MR. HOLLANDER:

Question?

D.P.O. LEVY:

Legislator Towle to be followed by Legislator Haley.

LEGISLATOR TOWLE:

I'd let Legislator Haley go because I had a question on a separate issue, besides this, I just wanted to talk to him about while he's up at the mike.

LEGISLATOR HALEY:

What is the tax now and where would you hope it would be?

MR. HOLLANDER:

Well the tax presently is at 3/4 of 1% and we're asking for it to stay at 3/4 of 1%.

LEGISLATOR HALEY:

And where would you hope it would be in the future?

MR. HOLLANDER:

Well presently we plan for it to see 3/4 of 1% to stay that way. We don't have a plan yet that tells us where we see it going. We have ideas but we haven't been able to put them down as concrete to be able to say to you where we think it should go.

LEGISLATOR HALEY:

Okay, thank you.

LEGISLATOR CARACAPPA:

A follow-up question on that.

D.P.O. LEVY:

Legislator Towle, and then Legislator Fisher was next, Joe.

LEGISLATOR FISHER:

That's okay. I will --

LEGISLATOR CARACAPPA:

It's just a follow-up to what Marty was saying. The percentage it's at now, Mike, where does that put us in the State in regards to high or lows?

MR. HOLLANDER:

That would put us low, where we would be the lowest in the State.

LEGISLATOR CARACAPPA:

What's the highest in the State?

MR. HOLLANDER:

I believe it's approximately 5% but it could be something higher. I believe it's 5%. We have that information because we compare ourselves to other conventions and visitors bureaus in terms of marketing and sales and administrative expense.

LEGISLATOR CARACAPPA:

At some time, a point in the very near future I'll be reaching out to you. We've had this discussion, you know, preliminary for that data because maybe there's something we can do in the future in regards to hotel/motel tax. I appreciate you coming down.

D.P.O. LEVY:

Legislator Fisher, and then Legislator Towle.

LEGISLATOR FISHER:

Michael, where do we have Guest Information Centers?

MR. HOLLANDER:

Well, we have one at the train, which is located between Exit 51 and 52 on the Expressway. And we have the one at Tanger, which is located at Exit 73. We have one on Southern State Parkway in Nassau, which is located at a place called the chalet, by about Exit 13. And hopefully by June or July we'll have one at McArthur Airport.

LEGISLATOR FISHER:

Okay, thank you, Michael.

D.P.O. LEVY:

Legislator Towle.

LEGISLATOR TOWLE:

Thank you, Mr. Chairman. Michael, how are you tonight?

MR. HOLLANDER:

Hi.

LEGISLATOR TOWLE:

There might be another issue that you're also involved with that is coming up tonight; you served as the Chairman of the Police Commissioner's, I guess, Task Force to discuss the issue of the helicopters here in Suffolk. And I know you guys took a formalized position on the recommendation of a purchase, and there may be a C/N tonight. I just thought if you could share with us the committee's thoughts on where you wanted to see things go, because we may discuss that at a later time tonight, and you're obviously going to be gone.

MR. HOLLANDER:

I don't have all my notes to be able to get into, but by recollection in relation to what we discussed, we are particularly interested in seeing that the helicopter is outfitted in a medical way, and I think we discussed this about seven years ago where I came and talked about, from an EMS point of view, that the present helicopter we had wasn't able to carry sufficient medical equipment to handle a medical emergency. So our key thing is that whatever helicopter you decide to get, that you specifically make sure it can handle medical equipment, such as a defibrillator, a suction machine, oxygen, and certain life support systems that the present helicopter couldn't carry, and that needs to be addressed.

And the other thing, I think, that you need to address is the fact that the mortality rates for those people on the east end who aren't serviced by a helicopter appear to be high, from the data that I've seen. So what we see is that people on the east end get taken to a hospital on the east end and a very high percentage need to come back to Stony Brook University for further medical treatment. And the mortality rate seems to be higher than what it should be. Now, whether it has to do with the kind of helicopter they had or the speed of the helicopter, that's part of what was in the consultant's report in answering some of those questions. But I believe we were looking at the 902.

LEGISLATOR TOWLE:

Right, the 902. I was going to say that's what the commissioner had informed the Public Safety Committee. I was a guest at the last meeting and I guess he had said that the committee officially took a position that they favored the MD 902.

MR. HOLLANDER:

Yes, the 902.

LEGISLATOR TOWLE:

Okay, thank you.

MR. HOLLANDER:

Because it has those capabilities.

LEGISLATOR TOWLE:

I just wanted to make sure we got that on the record tonight just in case that does come up.

D.P.O. LEVY:

Mike, thanks very much for your time and your words. Next speaker, Stanley Meltzer.

MR. MELTZER:

Good evening, everyone. I represent the Fathers Rights Association, and I am vehemently opposed to the sponsoring of the bill, 1089, which is regarding booting dead beat dads' cars for non-payment of child support. Often at our meetings we have fathers that have dealt with this Child Support Collection Unit and we keep getting these whys; why isn't the Child Service Collection Unit answering my letters? Why do I send certified letters and registered letters and they go unanswered? Why are my phone calls going unanswered? We don't have the answer to that until we find the changes are made in the Child Service Collection Unit, where there could be equities and fairness in collecting the child support that is currently owed to spouses. And until that it done, we see no need for this bill. And also, there are other measures on record now, as you all know, that if a spouse doesn't pay their child support in a timely fashion their license can be revoked or the business license could be revoked. And therefore, how is that person going to get to work? How

are they going to support their family? How are they going to visit their children? How are they going to have shared parenting time? These questions are not addressed in this bill. And I find the Child Service Collection Unit, the system itself, is inept, incompetent, and inefficient; it does not work. There is too many mistakes, and until these mistakes are rectified, I see no need for this bill. And it only punishes those that are poor working families and those that are middle class families. And you get a person who is in the upper middle class or very rich, they get their car booted, they don't care because they go out and buy a new one. But if you have no other means to go to work and you have no other means to support your family, then this is only a matter of punishment. Until the system, the Child Service Collection Unit, is revamped and revised and overhauled, I see no need for this bill. And the Fathers Rights Association vehemently opposes it. Thank you very much.

D.P.O. LEVY:

Thank you, Stanley. Stay right there for a second. Legislator Carpenter.

LEGISLATOR CARPENTER:

I just have a question for the sponsor. Are you aware of the fact, because you made a statement that this would be punishing the poor, you know, working person who is trying to support their family -- you just said that, did you not?

MR. MELTZER:

Yes, I did.

LEGISLATOR CARPENTER:

Do you understand that this booting technique would only take place after a non-custodial parent was in arrears for a specific amount of money, and that money is at least \$2,500 and they have made no attempt whatsoever to pay or do anything for at least four consecutive months? So, to say we're penalizing the poor middle class, you know, parent who's trying to support their family, and this is a bad thing that's trying to punish them; that's not what this is about. This is about trying to get after the dead beat, the chronic person who refuses to support their family. Certainly it is not meant to penalize anyone who is honestly trying to do the right thing for their children.

MR. MELTZER:

Well, my organization doesn't condone non-support payments, not paying their child support. That's not what we're here for.

LEGISLATOR CARPENTER:

I didn't think so. Right.

MR. MELTZER:

We're saying that the Child Service Collection Unit is inept and inefficient and it does not work. It does not address the means, when you call them numerous times and you get no answer. When you write letters, you get no response.

LEGISLATOR CARPENTER:

If I could, I just want to correct something, because this has been stated a couple of times over the past months as we've been debating this bill. The Child Support Enforcement Bureau and the workers in there are doing the best possible job they can with the tools that they are given. Is everything perfect? No. And neither is anything perfect in each and every department in this County. Every department has its problems, as every county does. But the workers in this County are doing the best job that they can. And, as a

matter of fact, the Child Support Enforcement Bureau in Suffolk County has far surpassed many other counties across the State in an amount of money that they're able to recoup for custodial parents who have not been getting their child support.

MR. MELTZER:

So you just answered your own question; why is there a need for this bill, if you say the County is so efficient in collecting child support payments?

LEGISLATOR CARPENTER:

Because it gives them another tool so they can be ever so more efficient.

D.P.O. LEVY:

I think we've got everybody's opinion on that. Thank you very much, Mr. Meltzer, for coming down and giving us your thoughts; I appreciate it, as does the board. Kenneth Jensen, next speaker, regarding resolution 1118.

MR. JENSEN:

Hello, my name is Kenneth Jensen, I live in Manorville. I don't see 1118 on the agenda. Did you say something?

LEGISLATOR CARACAPPA:

Tabled resolutions, it's on page 5.

MR. JENSEN:

The last one on the bottom got substituted with 1318?

LEGISLATOR CARACAPPA:

My apologies.

MR. JENSEN:

Okay, well I guess that's all one in the same. There seems to be a sticking point as to the extent of the easement between the County and the town. We go to the Suffolk County Planning Board, the Bureau of Environmental Quality, we get one story. We speak to the Brookhaven ZBA, we get another story. It seems like the developer in this situation has more to say about this than our elected officials. But it seems to me like we, the people, have rights; these rights are collective, and that the rights of the people should supercede that of any one individual, regardless of who they know, who they're related to, or whose campaign they happen to finance.

D.P.O. LEVY:

Sir, could I just interrupt you one second? You're speaking on -- you wrote down 1118. Could you mean 1314? There's a bill here, maybe this is it; clarifying the grant of right-of-way to Manorville-Branch Road. Is that the one that you're referring to?

MR. JENSEN:

Yes, that also ties back in with resolution 1010.

D.P.O. LEVY:

Okay, I just wanted to make sure everybody on the board knew what you were referring to. That was Legislator Caracciolo's bill, I believe.

MR. JENSEN:

Yes, it was.

D.P.O. LEVY:

Okay, thank you very much; I'm sorry to interrupt you.

MR. JENSEN:

While I'm up here speaking, I don't see Counselor Sabatino up there; I have a question for him. I wanted to know right now, things are delayed and does this builder right now have the right to access this land or not? You know, it's like we're waking up every morning wondering if the bulldozer is going to be there, and you know, that the rug will, figuratively, be pulled out from underneath us.

D.P.O. LEVY:

Well what I will do is we will ask someone to get Counsel. If at some -- we'll have other speakers, then when he comes forward, we'll entertain your question at that point. But you can continue with the presentation, okay?

MR. JENSEN:

I know I got three minutes, but okay. I know the last time we were here we had three attorneys from Hauppauge, and you know, you're privileged to have Counsel up there. I know the wheels turn slowly sometimes, but it seems like one resolution after another has been on the table long enough, whereas they're gathering dust. If we get back to the original resolution, which granted the right-of-way, I think that's what caused the problem. And it inadvertently grew the County into this situation. Sometimes we're told at the County level that just because the guy gets a permit, he can't do what he wants. Then the town is turning around and saying, the guy can do what he wants because everybody else in the town has done what they want. And if they fail to give it to him, it would be discriminatory. I see Mr. Sabatino is back over there.

D.P.O. LEVY:

Do you want to pose your question again, sir?

MR. JENSEN:

Yes. Right now, as we speak here, does this builder have the right to access the land or not?

MR. SABATINO:

The property owner has the right to access the land by virtue of the right-of-way that was granted because you can't landlock land; however, the whole issue about whether or not the land can be developed is subject to a couple of substantial actions which the town may or may not take; one of which is to pass a resolution creating what they call an open development area, which would allow for the construction with access to Bauer Avenue through the right-of-way. To my knowledge, no such town resolution has, in fact, been adopted. In the alternative, the town would have to grant a variance based on the a whole series of criteria under State Law. I don't believe that that has occurred, so there is access which means the ability to cross one piece of land to get to the land in question, that's owned by the property owner. But that's as far as it goes right now.

MR. JENSEN:

Right. And isn't the greenbelt hiking trail, which they keep on calling a paper road or CR 91, isn't that dedicated land?

MR. SABATINO:

That's dedicated to the County Nature Preserve.

MR. JENSEN:

That was put under protection by this legislative body in 1991.

MR. SABATINO:

'88 or '91; I forget the year.

MR. JENSEN:

Well, you know, I really don't get that at all. And seeing as though Mr. Gaffney was voted, you know, trail blazer of the year in 1993. And what's going on here is, you know, just down the road from the information booth at the head of the hiking trail. And all throughout this scenario, I've never once heard anybody say that the pine barrens there is a forest preserve. In 1993, no less, the Governor of the State, signed off on legislation, upgrading the status and making this a forest preserve. Nobody once said anything about that at all. So, how can you build in something that's a preserve? If you're building you're not preserving.

D.P.O. LEVY:

Okay, thank you very much, Mr. Jensen, I appreciate your time.

MR. JENSEN:

Okay, thank you.

D.P.O. LEVY:

The next speaker is Anne Riordan.

MS. RIORDAN:

Good evening, I'm Anne Riordan, the Chair of the Suffolk County Campaign Finance Board and I'm here to ask you to pass resolution 1354, which the Campaign Finance Board sent to you in fulfillment of Section 40-2-F of Local Law 25-1998. This resolution is simply an inflation adjustment for the funds to be given to candidates and to the expenditure caps they agree to accept in return for the partial public funding. We ask that you fund it so that we can get on with the job you've assigned us. Any questions?

D.P.O. LEVY:

Okay, thank you very much, appreciate it.

MR. RIORDAN:

Thank you.

D.P.O. LEVY:

Next speaker, Gail Davenport.

MS. DAVENPORT:

Good evening, my name is Gail Davenport, I am from Bridgehampton, New York. I'm with the Suffolk County League of Women Voters and the New York State League of Women Voters. I'm a campaign finance reform specialist. The League of Women Voters of Suffolk County supports the passage of resolution 1354 because it is a necessary step for the implementation of Local Law 25, which was passed by referendum in 1998. The League of Women Voters ask the Legislature to act on measures that are necessary in the process of implementing the voluntary partial public funding of County elections, which according to Local Law 25 will be a reality in 2002. In this past week that saw our neighboring state of

Connecticut's assembly and senate pass a public funding bill, we would urge this Legislature to continue supporting and implementing Suffolk County's Voluntary Public Funding Law. Let's not lose the momentum of this groundbreaking, pioneering County legislation. Thank you.

D.P.O. LEVY:

Thank you very much, Gail. Next speaker, Wayne Thompson, Division of Real Estate.

MR. THOMPSON:

Hi, everybody. I'm Wayne Thompson from the Suffolk County Division of Real Estate. I think most of you know me or have spoken to me at some time or other.

D.P.O. LEVY:

If you could just pick up the microphone a little bit. Thank you very much.

MR. THOMPSON:

Here's a -- you can distribute to all the Legislators, a copy of a letter from Roger Barbaro from the Division Administrator of the Housing and Adult Services Administration in DSS. I'm sorry, this is in relation to resolution 1247, which has to do with transferring some funds around within the County of Real Estate, money that's been in our escrow account since 1987. Thankfully, to my Directors, Mr. Grecco and Mr. Jones, this money has been found in our escrow account and we're trying to use it in a way that would profit us the most at the division.

D.P.O. LEVY:

Just for the record, I'll interrupt a second; that's a table resolution on page 5, if anyone wants to follow 1247.

MR. THOMPSON:

The letter is -- the first page basically explains where the money came from and how they gave it to us as a grant for some repairs we were supposed to do, which were done, and the second page explains how much they love us over in DSS. Apparently there was some question of whether or not we were fulfilling our needs to clients in Suffolk County who own houses. That's never been a problem. I've been there since 1982, and those of you who know me, if you've got a question for the housing, you get it to me and it gets done; okay? What we're trying to do here is to continually upgrade our infrastructure, especially in the form of computers. If some of you had the pleasure of coming to our last auction, you can see what we're doing over there. I invite you to come down to the next one, which is June 29th, where we're going to be selling off some houses. The same type of equipment will be there.

What we're trying to do here is -- and I'm a big proponent of this and that's why they've asked me to come down, is to take this money and put it into where we can further use it to upgrade how we handle our inventory. We want to start taking photographic evidence of all the houses that we have on a continual basis, make that into the database. It's my plans to give the inspectors to go out, eventually a little at a time, now they're experimental, laptops so that we can put the data right into the database and not have to go through paperwork; speed up the whole operation and make it more accountable. That's why we've got such things down here as the oracle database. We're trying to hook into the Treasurer's Office and Real Property at the same time. Some of that money is already, of course, in funding but some is not covered and we're just trying to catch up.

D.P.O. LEVY:

Wayne, at our last meeting this was tabled when one or more Legislators had questions whether the \$41,000 in escrow might be better spent on refunneling it for other homeless housing type of programs. Now, it's your claim that this money is, in fact, going to be helping that same population by making the department more efficient. Is that what you're saying?

MR. THOMPSON:

Yes, that's true. And 41,000 doesn't go very far in the housing stock we generally get. That might fix one or two houses for a year, if we had to pick it up from scratch.

D.P.O. LEVY:

Thank you very much. Any questions? There being none, we'll go to the next speaker. Thanks. Sorry if I'm not reading this too great, I think the first name is Janine, but the last name, Nebons?

MS. NEBONS:

Nebons. Good evening, my name is Janine Nebons, I'm the General Manager of the Tanger Outlet Center in Riverhead. I'm here today speaking on behalf of Mitch Pally and the Long Island Association in favor of the home rule message, asking the New York Legislature to continue the tourism promotion fee for Suffolk County. The tourism promotion fee has been a great success for Suffolk County and Long Island and should be continued. The enactment of the tourism promotion fee by both Suffolk and Nassau Counties has allowed the Long Island CVB to do something that has not been done before and that's actually market Long Island as a vacation and convention destination. Tourism is now a \$4 billion industry and has become the second largest employer on Long Island. To continue to be a major player in the tourism industry, it is essential for Long Island to have the funds necessary to finance a major campaign, to advertise in our regional markets, and the continuation of the tourism promotion fee is the only way to do this.

Under the current situation, 2/3 of all the funds collected go to the CVB and 1/3 of the funds go to the Suffolk County Department of Parks and Recreation for the promotion of historical sites, museums and parks. This is a very worthwhile distribution and should be continued. The current rate of 3/4 of 1% should also be continued. The Long Island Association believes that the continuation of the tourism promotion fee is one of the most important issues facing the tourism industry; we would urge that the Suffolk County Legislature enact the home rule message necessary to allow the New York State Legislature to enact the measure into law. Thank you.

D.P.O. LEVY:

Thanks, Janine. Before you leave, Legislator Haley, followed by Legislator Guldi.

LEGISLATOR HALEY:

Repeat for me, you are here representing Tanger or you are here --

MS. NEBONS:

Mitch Pally is up in Albany and he couldn't be here tonight so he asked me to represent the Long Island Association, so I'm here representing them. But if I could answer a --

LEGISLATOR HALEY:

Do you have a position with the Long Island Association?

MS. NEBONS:

Do I have a position? No.

LEGISLATOR HALEY:
So it was a personal request?

MS. NEBONS:
Yes, he had asked that I --

LEGISLATOR HALEY:
And the second question I have is, does the Long Island Association, is that an official position of the Long Island Association or Mitch Pally?

MS. NEBONS:
No, this is an official position of the Long Island Association.

LEGISLATOR HALEY:
That was voted upon by the Board of Directors.

MS. NEBONS:
I don't know, I'm not sure. Michael? We can find out. I can have him send something to you in writing.

LEGISLATOR HALEY:
Just tell Mitch I was asking; he'll know why. Thank you.

MS. NEBONS:
Okay.

D.P.O. LEVY:
Legislator Guldi, followed by Legislator D'Andre.

LEGISLATOR GULDI:
Yeah, thank you. I want to ask you something in your capacity as a representative of Tanger. The sales tax repeals here. What impact have you seen on volume and activity?

MS. NEBONS:
You all deserve a big giant pat on the back. I think you're all going to be very surprised that the Suffolk County sales tax revenues will probably be up significantly. And that's on non-exempt, as well as in the exempt area. What we have seen is an increase as much as 70 to 80% in our traffic; 60% of the increase is being fueled by people coming from Nassau County. By way of example, last weekend, which was a rainy, crummy weekend and we looked back a year ago, Saturday's traffic was about 10,000 cars. This past Saturday we handled 18,000 cars and the sales have been up very high double digits.

LEGISLATOR GULDI:
So sales are up, gross revenue -- sales tax revenue is going to be up, and you said --

MS. NEBONS:
Sales tax revenue will be up. What we tracked is both the exempt and non-exempt stores. And in tracking there's no difference. As a matter of fact, non-exempt is doing better in some categories than the exempt are.

LEGISLATOR GULDI:
Great, I'm glad to hear that. That is as I hoped it would be. Thank you very much.

MS. NEBONS:

Thank you.

D.P.O. LEVY:

Legislator D'Andre.

LEGISLATOR D'ANDRE:

I was going to ask the same question; you've answered it that far. But I have one other question; has your advertising budget gone up?

MS. NEBONS:

Has our -- our advertising budget for Tanger has not gone up.

LEGISLATOR D'ANDRE:

Why not?

MS. NEBONS:

It doesn't work like that. The tenants that inhabit our center, is what creates my marketing budget. Every manufacturer that's there contributes some money and that's where our marketing funds get created. What we did do was to determine that the bulk of the spending that we do in marketing was going to be targeted toward Nassau County with a very strong tax free message, and we started that campaign towards the end of February, and so we're just in the beginnings of it. But we are, as far as I can tell, the only developer that is branding every single message that we put out there, shop tax free in Suffolk County, no sales tax on clothing and shoes up to \$110.

LEGISLATOR D'ANDRE:

That part is very, very well, but I thought being that we went through the great lengths of taking away the sales tax, that you would up that budget a little bit since your income has increased, because of the fact that we took the sales tax away.

MS. NEBONS:

I would love to; unfortunately, the way -- I work for a real estate investment trust and that is not the way the company is set up in terms of how our budgets are determined.

D.P.O. LEVY:

Thank you very much, Janine.

MS. NEBONS:

Thank you.

D.P.O. LEVY:

Next speaker, Don Whitehead.

AUDIENCE MEMBER:

Don is not here.

D.P.O. LEVY:

Don is no longer here. Next speaker, Gale Rullmann.

MS. RULLMANN:

How are you all doing?

D.P.O. LEVY:

We're doing fine; how are you doing?

MS. RULLMANN:

Well, I started this letter and it said good afternoon, Legislature; now I can say good evening. I thought I was here tonight to discuss resolution 1118, but obviously that's not on the table.

D.P.O. LEVY:

It's now resolution 1314, just so you know.

MS. RULLMANN:

Right, right, I see that right here. Okay, my name is Gale Rullmann. Once again we gather for saving the seven acre parcel off of Bauer Avenue. I remember receiving a variance to build on this property about seven months ago. During this time, we, the residents of Bauer Avenue in Silver Ponds have been told of a favor that was given to a builder to cross over Suffolk County parkland, a trail, or as you know it as CR 91, which is 65 feet wide, which I believe Legislator Caracappa is aware of and Mr. Caracciolo, and also the Town of Brookhaven.

Once again I ask you, the Legislature, is this common practice throughout our County of Suffolk? We, the taxpayers, and the residents of Manorville request that you rectify the situation before Brookhaven becomes overburdened with development. Is this property a disagreement between Brookhaven and the County? Brookhaven has already announced that they would pay half the appraisal. Explain to me, what is the nature of this problem, besides saving nature?

Please vote yes for resolution 1118, I know it's not on the table, for the residents of Manorville because it is the right thing to do. I leave you with a thought, why did the taxpayers and the people of Long Island vote yes for proposition six? Thank you.

D.P.O. LEVY:

Legislator Caracappa has a question. Joe, we also have Jeff Rullmann -- I imagine that's your husband, Ma'am.

MS. RULLMANN:

Yes.

D.P.O. LEVY:

Do you want to come up and just speak on this and we'll do it all together? And we'll have all the questions asked and answered at one time.

MR. RULLMANN:

We have a couple other people.

D.P.O. LEVY:

I'm sorry, I didn't have anybody else written down over here. But all right, we'll wait. Go ahead, Joe.

LEGISLATOR CARACAPPA:

All I wanted to say, Mr. Chairman, you mentioned that it was a gift.

MS. RULLMANN:

No, I mentioned it was a favor.

LEGISLATOR CARACAPPA:

A favor. Well, it's not really a favor. My constituent came to me, who owned the property at the time, and said -- and I've told the story to the residents of your area before. He came to my office and said, I own the parcel that's landlocked; how come I can't get to my property? I said, well let's take a look at it. Why do you want to get to the property? He goes, because I own it. What are you going to do with the property? I just maybe might build my house on it. That was then. He came to me -- he didn't come to me and say four houses, I'm telling you this now. And this is quite a while back.

MS. RULLMANN:

I think it's really good --

LEGISLATOR CARACAPPA:

Hold on, let me finish.

MS. RULLMANN:

-- that you're explaining this.

LEGISLATOR CARACAPPA:

I believe it was 1998.

D.P.O. LEVY:

Let him finish, then we'll get back to you.

LEGISLATOR CARACAPPA:

So just as Legislator Caracciolo is doing everything he can for you as his constituents, I did everything I could for my constituent when he walked in my door, in my office, and broke down saying he owns this property and he can't even cross over onto it. So I did what I could to just get him a right-of-way so he can legally go onto his property. What has happened since then is unfortunate. It had nothing to do with the original legislation; it had nothing to do with the legislative intent, and I sit here and tell you this in all honesty. But, unfortunately, we're in the position we're in now. That's why Legislator Caracciolo is doing all that he can to rectify the situation for you. So please don't say it was a favor, please don't think it was a gift. A gentleman came up before and started talking about campaign contributions and everything else; that's a bunch of bull. I understand you're upset, but we're going to try and rectify the situation for you. But please don't insinuate that there's been any sort of wrongdoing here.

MS. RULLMANN:

Mr. Caracappa, did you realize that you were crossing over Suffolk County parklands?

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. CARACAPPA:

Yes, that's why I did the resolution, Ma'am, just to give him the right-of-way, to give him --

MS. RULLMANN:

No, I mean in the beginning; obviously not.

LEG. CARACAPPA:

Yes, absolutely; Obviously I did or else I wouldn't need a resolution to go over the property. It's called an easement and the easement was necessary because it was County Parkland. And this man came to my

office in a terrible situation because he couldn't even go on his property legally. So I did him that favor as his Legislator.

MS. RULLMANN:

That's fine, Mr. Caracappa. But when you say that he was only going to build this one house, why did I receive a variance for four?

LEG. CARACAPPA:

That, Ma'am, I told you I can't tell you with, that's something that's happened between then and now, that that legislation never intended to do, it never was the intent of the legislation, never was the intent of mine except to help out my constituent who was in a bind.

D.P.O. LEVY:

Okay. We have Mr. Rullman next on. Mr. Rullman, I don't have anybody else to speak on this, so if they do they're going to have to fill out a form, but please come up.

MR. RULLMANN:

What I can't understand --

D.P.O. LEVY:

First of all, Sir, speak into the mike, if you would, please, so we can hear, and just try to address the entire Legislature, okay? Thank you.

MR. RULLMANN:

The entire, don't point you out, okay.

LEG. CARACAPPA:

You can point me out, that's fine.

MR. RULLMANN:

I'm going to point you out.

LEG. CARACAPPA:

Go ahead, go for it.

MR. RULLMANN:

What I can't understand is -- all right, you did this because of your constituent. But now, because of all the people that have come and asked you to rescind this --

00043

LEG. CARACAPPA:

It's on.

MR. RULLMANN:

All right, yeah, but now it's saying clarifying a grant, all right, and this was supposed to be done two months ago.

LEG. CARACAPPA:

I believe the intent of the legislation as it stands now, clarifying the grant, basically goes back to what the original legislative intent was and that was just to grant this person access to the property; correct Paul?

D.P.O. LEVY:

Yeah, I was just going to say, let's have Counsel clarify this.

MR. SABATINO:

That's correct. Maybe just to shorten the debate, there was a major announcement at the Parks Committee last week which is that the Real Estate Division was notified by the Town of Brookhaven that as a result of communication that we had with the town questioning the action that was taken to approve the proposed construction has indicated to the County that the town is going to do the acquisition

on its own. So --

LEG. CARACAPPA:

What was that?

MR. SABATINO:

This was announced at the Parks Committee last week, in between we've had some correspondence back and forth. Because as I indicated in a memo that was distributed about ten days ago, the Town of Brookhaven would have had to have taken a separate, independent, affirmative act to use the right-of-way to facilitate the proposed subdivision; apparently that resolution has, in fact, not been adopted.

LEG. CARACAPPA:

It wasn't adopted.

MR. SABATINO:

And a result, the town notified Real Estate which notified the Parks Committee on Wednesday that the town is going to do the acquisition on its own which really achieves everybody's goal because the integrity of the right-of-way that the Legislature granted, which was a narrow one on behalf of the County, is sustained, the objective of preserving the land as open space would be obtained -- achieved, rather, and it looks like we have a solution. This, of course, is subject to final action being taken, but this is the information that was provided at the Parks Committee.

MR. RULLMANN:

So what you are saying, Mr. Sabatino, is the town is saying that they are going to buy it, buy the property?

MR. SABATINO:

That's what was communicated from the town to the Real Estate

00044

Division which advised the committee on Wednesday, which makes sense given the sequence of events that have transpired.

LEG. CARACAPPA:

If I can go a step further, talking about the events that have transpired. Since this unfortunate incident came about, I've done what I can on my end to see if I can get to the bottom of the situation for your community. I've went out and I did some investigating on my own, got in touch with the people who are actually thinking about developing the property, I asked them what their intentions were, why a roadway, the whole nine yards, I asked them all the questions that you would ask. And they said they were willing, ready and able to sell at a moment's notice, they're just looking for some cooperation, and it's great news to hear that the town is possibly doing that. I know Legislator Caracciolo had thought about joining in a Land Preservation Partnership in acquiring that property, possibly now that's not necessary. I have reached out to the Council Members of the Town of Brookhaven, specifically Councilwoman Strebel who's been a strong advocate for your community, and she's doing everything that she can to acquire the property as well.

So though things have gotten out of hand in regards to the initial things that I intended to do for my constituent, hopefully through this rigmarole and unfortunately through this process that's put all of you out on a monthly basis coming to this meeting hopefully will all come to a head soon and the property will be preserved and

everyone will make out in the long run. But, you know, I'm just wishful thinking. But know this, from this seat, from the day I started helping my constituent to the point now where things have gone awry, please know that you have a lot of people in your corner and we're trying to rectify it.

D.P.O. LEVY:

Okay? Thank you very much.

MR. RULLMANN:

All right. That's all we're looking for. Thank you.

Applause

MR. RULLMANN:

Now we can go home and never come back.

LEG. CARACAPPA:

I hope so.

MR. BARTON:

Mr. Chairman?

D.P.O. LEVY:

Yes?

MR. BARTON:

I have been advised we're having some problems with the high speed copier in the back. And in order to avoid an expensive off-hours

00045

maintenance call, I would ask if anybody has any copying needs, that you get them to us as quickly as possible.

D.P.O. LEVY:

Okay, very good. Thank you, Henry. Next speaker, Gloria Imrie, I think; it's, again, very hard to read.

MS. IMRIE:

My name is Gloria Imrie, I'm one of the residents of Bauer Avenue. And I just want to say that what you're telling us we haven't heard before, and it's not right. We should know what's going on and we have been kept in the dark and it's not right.

D.P.O. LEVY:

All right, thank you. I think what Counsel said is that this purchase just occurred within the last few days.

LEG. CARACAPPA:

Well, the willingness.

D.P.O. LEVY:

You know, the announcement of this potential purchase just occurred.

LEG. FISHER:

Last Wednesday.

MR. SABATINO:

Yeah, it only happened on Wednesday at the Parks Committee. And as I said, it was a verbal communication from the town to Real Estate and that was verbalized to the committee. So as I also said, it appears to be a solution that achieves all of the goals and all of the objectives, but it requires the next subsequent step which is for the town to actually pull the trigger. It sounded encouraging based on what we heard at the committee.

D.P.O. LEVY:

Okay, but at least it's going in your direction.

MS. IMRIE:

Well, I hope it's true.

D.P.O. LEVY:

Okay.

MS. IMRIE:

Thank you.

D.P.O. LEVY:

You might want to contact your town representatives, Ma'am. Next speaker -- again, I can't read it too well -- Robert Siphinolfi?

MR. SIPHINOLFI:

Hi. I'm Robert Siphinolfi, I'm the Vice-President of Long Island Hotel/Motel Association and I'm here --

00046

LEG. FISHER:

Of the what? I'm sorry, Sir, I couldn't hear you what?

MR. SIPHINOLFI:

I'm sorry, Long Island Hotel/Motel Association.

LEG. FISHER:

Okay, thank you.

D.P.O. LEVY:

Speak right into the mike, please.

MR. SIPHINOLFI:

Okay. I'm just here to tell you about the three-quarter percent tax, that there was a unanimous vote from the Board of Directors on the Hotel/Motel Association in support of the tax, and we would appreciate it if we can have it put through. And that's it.

D.P.O. LEVY:

Okay. Thank you very much.

MR. SIPHINOLFI:

Thank you.

LEG. GULDI:

Question for the speaker.

D.P.O. LEVY:

Question from Legislator Guldi.

LEG. GULDI:

Your membership, to what extent and your board -- this was of your Board of Directors or your membership?

MR. SIPHINOLFI:

Board of Directors.

LEG. GULDI:

Which of your members of your Board of Directors are from east end, south fork, mom and pop hotels and motels; like anybody from Montauk or Southampton?

MR. SIPHINOLFI:

Yeah, Sag Harbor.

LEG. GULDI:

Who?

MR. SIPHINOLFI:

Don {Wyed}.

LEG. GULDI:

And he voted yes on this?

MR. SIPHINOLFI:

Yes.

00047

LEG. GULDI:

Okay, thank you.

MR. SIPHINOLFI:

You're welcome.

D.P.O. LEVY:

Thank you. Phil Nolan. We all know Phil Nolan. That's easy to pronounce and easy to recognize, Phil, welcome back.

MR. NOLAN:

I think everybody knows me, I'm Phil Nolan. And I found the meeting today very interesting because --

D.P.O. LEVY:

Just today, Phil?

MR. NOLAN:

Well, I don't come here too often. I was happy to hear about these volunteers, I don't know when you instituted that program but it sounds like a good idea. Unfortunately, I have been in politics, I'm a Democrat, since 1960 and my sons Phil and George happily were elected Legislators at one time in the 80's, but because of the nepotism involved, they couldn't put me in for a volunteer of month. But anyway, I am here mostly for sort of -- I am getting a little tired of it actually, but I will be back next time if I can't get that -- I can't get this section of the law just a little bit straightened out. All I'm asking for, it's the law to restore full --

D.P.O. LEVY:

It's Resolution 1266, a Local Law to restore full public financial disclosure to Suffolk Ethics Reform. It was brought out of committee, Phil, so it is on the agenda today.

MR. NOLAN:

Yes.

LEG. BISHOP:

Its on the agenda.

D.P.O. LEVY:

It's on the agenda, I just want to let you know.

MR. NOLAN:

Should I continue?

D.P.O. LEVY:

Yeah.

MR. NOLAN:

Oh, okay. All I want to say is I want to thank Paul Sabatino who's the attorney here for the Legislature. When I first came forward with this resolution to just eliminate the last sentence of the full disclosure law back around three and a half years ago, I just wanted to get it back into its original shape as far as I'm concerned.

00048

Because the way it reads now, if anybody from the public gets to see that or somebody else gets burned the way I did when I ran in 1995, I would feel very sorry for them too. Actually, I think I'll try once more next time if I have to come back, but I do want to congratulate the Legislators here, they take a lot of abuse, and I know you can't do everything we want all the time. But I just want you to know that Paul and Dave Bishop, many others have helped, of course Mister -- or Legislator Caracciolo put this in again in the original form that I had it in three and a half years ago and I hope you can pass it this time. Thank you. Any questions? No? Okay.

D.P.O. LEVY:

Thanks, Phil. I appreciate it.

LEG. FOLEY:

Thank you, Mr. Nolan.

LEG. CARACAPPA:

Thanks, Phil.

LEG. BISHOP:

Can we take that out of order now?

D.P.O. LEVY:

I think we should finish the cards first and then maybe we can do it right after we're done with the cards. I know what you're getting at. Grace Ioannidis? The next several speakers are related to sober houses.

MS. IOANNIDIS:

Sorry about that. My name is Grace Ioannidis, you know me here. I've been here three times and every single time I approach you with an urgency about the legislation 1155. Sober houses are here, like it or not; that's the wording on our petition. Sober houses are residential facilities for alcohol, drug treatment and support services. We need a law to control whether these houses are going to be placed throughout the County, not just Mastic, Mastic Beach and Shirley.

I would like to read also something that I will get everyone to see is a letter and it says, "Dear Members, at the last open meeting of the Legislature on March 28th, a member of the Citizen Action Coalition orally presented two suggestions to be incorporated into proposed resolution 1155, sober houses as submitted by Legislator Fred Towle. During the afternoon break, members of the coalition had an informal conversation with Legislator Cooper regarding these items, he suggested they be presented to you. Listed below are the suggestions the Citizen Action Coalition was sponsored to be included as part of the law. Number one, finger imaging; this would control the quality of individuals housed in these homes. At the present time, our membership is concerned where there is a background check on these individuals, if these people have criminal records or are out of parole or etcetera. Number two, accountability. What is the success rate of this program? We don't know. If there are no statistics, a program should be implemented. In the event there are statistics, what is the success rate? We don't know. If the results

00049

are poor, the taxpayer should not have to support a non productive program. Your review and consideration of the above will be appreciated. Please vote on 1155." Thank you.

D.P.O. LEVY:

Thank you, Ma'am. Next speaker, Annette {Sporago}, or Sparacio, I don't know if it's a CI or a G.

MS. SPARACIO:

I am here for the sober houses, it's the second time.

D.P.O. LEVY:

Again, just bring the mike a little closer, please. Thank you.

MS. SPARACIO:

I'll be brief. The Citizens Action Coalition since its last -- since your last meeting on March 28th, has received numerous telephone

calls daily regarding the sober houses in the mastic, Mastic Beach and Shirley area. The community is getting inundated with these houses and the problem is escalating rapidly, I can't stress that more. I sincerely hope that you will pass the law and make the adjustments as we recommending in the letter that you received. Thank you.

D.P.O. LEVY:

Thank you, Ma'am. John Sicignano.

MR. SICIGNANO:

Hello. My name is John Sicignano, I'm President of the Mastic Park Civic Association and also a member of the Citizens Action Coalition. I am here to speak on behalf of 1155 also. I know I talked the last time out in the hallway to Mr. {Tungus} -- Tonna, I'm sorry -- and he said there was some problems, a tweak in the law, you know, if your brother comes to live with you, he said to me, is that considered a sober house? I mean, if he read the law he would see that it's a totally -- it has nothing to do with a family member helping a family member, you know, somebody would have to be -- they would have to be licensed, it would have to be inspected by the Board of Health. There are six people per sober house, you can't have more than four within two square miles, there are stipulations in there that protect the rights of the homeowner. As far as, you know, the clearly defined procedures for selection of the location of sober houses, we know we don't -- right now there is no regulation. How many can we have in one area, does anybody have any idea, right now? I'm asking the question, I don't know.

LEG. CARACAPPA:

What was the saturation level, was that the question?

D.P.O. LEVY:

It depends on the area, Sir, really.

MR. SICIGNANO:

It depends on the area?

00050

D.P.O. LEVY:

You're asking how many are there out there?

MR. SICIGNANO:

How many sober houses right now are you allowed to have in one particular area, one community right now?

D.P.O. LEVY:

There is no limit.

MR. SICIGNANO:

There is no limit; okay, and that's very important to know.

UNKNOWN AUDIENCE MEMBER:

We have them all, our community has them all.

D.P.O. LEVY:

No it doesn't, they're everywhere.

MR. SICIGNANO:

We need this legislation very quickly, it's over due in our area because of the affordable housing. We have affordable housing, as you know, in Shirley, Mastic, Mastic Beach, the real estate is affordable. And where are you going to put sober houses more so? You're not going to put them in Dix Hills, you're not going to put them on the north shore, you're going to put them where it's more

affordable and easy to be bought and implemented.

Also, as far as sober houses are concerned, how many areas can you put a sober -- I mean, how many -- is it private, is it State, is it County, is it Federal, is money coming from the Department of Social Service; I mean, there are a lot of questions a lot of people in my area want to know about. I don't know if anybody has any questions or they can answer that.

LEG. BISHOP:

I have questions.

D.P.O. LEVY:

Well, if you want to pose specific questions either to the sponsor or Counsel or someone can answer, but if you have -- why don't you --

MR. SICIGNANO:

Okay, a specific question would be this; who funds sober houses, where does the money come from to fund sober houses?

D.P.O. LEVY:

Okay. Counsel, you want to address the gentleman's question, please?

MR. SABATINO:

Well, it apparently comes from a lot of different places. . It's Federal, State and private funding. There's no, from what I can see, single, exclusive source of funding for it.

MR. SICIGNANO:

Does it come from also the County?

00051

MR. SABATINO:

I don't know of any specific County funding for it, but I wouldn't be the final word on that.

MR. SICIGNANO:

It's a possibility.

MR. SABATINO:

I just know that we've seen Federal and we've seen State money and we've seen private money, I haven't seen County money but it's a possibility.

MR. SICIGNANO:

Well, if the law is not passed, certain areas will be targeted to receive more than others just by sheer economics, affordable housing. Please pass this very important legislation. Our cause then must be to a trust to and conducted by our undoubted friends, those who's hands are free, who's hearts are in the work and do care for the results. Please pass this legislation. If there's a tweak in it like we keep hearing, "Oh, there's something wrong here," what one law that you have passed that doesn't have a tweak that can't be amended later on? This is something that needs to be done now and then we can worry about the tweaks later, like you do with any other law that comes out of this committee.

D.P.O. LEVY:

Legislator Towle to be followed by Legislator Bishop.

LEG. TOWLE:

Yeah, John, I appreciate you and obviously the other speakers coming tonight to speak in support of this. You know, the bottom line is we've talked about this for the last couple of months now and it's an issue that's important, it's an issue that each of us have experienced as members of the County Legislature getting a call from

groups such as yours or from community leaders saying, "I woke up this morning and next to my house in a residential community is a treatment facility." And really, you know, although there is funding from the Federal Government and from the State Government, I have not found any County funding at this point, that was one of the first things I looked at, and then there's obviously private funding. The question really becomes this is no different, as far as I'm concerned, than any other business. If we were to open an auto body shop next to you, that would not happen because you live in a residential community, you know.

MR. SICIGNANO:

Right.

LEG. TOWLE:

Let me just finish my thought, if you wouldn't mind, folks. It's not something that would be completely legal, we would immediately be able to reach out to the proper authorities and say that, you know, this business has now opened up next door to a residential community. Here, as far as this facility is concerned, there are no regulations currently, they come and go as they please. And it's my hope that

00052

this law will be the first step in trying to put not only pressure on those that are not regulated by the State and Federal Government, but also some pressure on our public officials and the state and the federal government --

UNKNOWN AUDIENCE MEMBER:

(Applause).

LEG. TOWLE:

-- to step up to the plate and deal with their responsibilities, you know. So to answer some of your questions, that's what I attempted to do. You gave a hodge podge --

MR. SICIGNANO:

Is there any reason why we can't vote on it tonight to at least enact this law?

LEG. TOWLE:

There is absolutely none. It's going to be my intention -- I have obviously -- if the members of the Legislature haven't figured this out already, I have obviously distributed a copy a little earlier, it's going to be my intention to discharge this resolution, or attempt to discharge the resolution from committee. I did make some adjustments as per some of the requests of some members of the Legislature that I thought were reasonable, I think this bill is reasonable. It is highly likely that the County will be sued, but I am prepared to, you know, move in that direction because I think it's that important of an issue. It's a quality of life issue as far as our communities are concerned and I think you would be hard pressed to find a Legislative office here in Suffolk County that has not received some type of call, you know, in the past from residents in their community about a very similar problem. This is not unique just to our area, it's a problem that's quite frequented throughout the County.

MR. SICIGNANO:

Okay, thank you.

D.P.O. LEVY:

Thank you. Next speaker, Jack Glassman.

LEG. BISHOP:

I guess --

LEG. TOWLE:

I think Legislator Bishop had a question.

D.P.O. LEVY:

Oh, I'm sorry, I'm sorry. David. Sir? Did you want him back, Dave?

LEG. BISHOP:

I really want Paul is what I want.

D.P.O. LEVY:

Okay. Legislator Bishop had a question that I cut off.

00053

MR. SICIGNANO:

Who wants me back?

LEG. BISHOP:

I just really wanted a question to Counsel, just on the sober house issue. Is a sober house a licensed facility or it's just a group of alcoholics living together?

LEG. CARACAPPA:

Drug addicts.

LEG. TOWLE:

Or drug addicts.

MR. SICIGNANO:

It's not licensed yet.

MR. SABATINO:

There's absolutely no regulation, State, Federal or local right now --

LEG. BISHOP:

Okay.

MR. SABATINO:

-- licensing other otherwise on sober houses.

LEG. BISHOP:

By the way, I have three on my street and there was an article in the New York Times about it, so I know the issue.

Applause

But I'm just trying to flesh out, I don't see, where is the County's authority if there is no licensing; how does that work?

D.P.O. LEVY:

This bill is calling for licensing.

LEG. BISHOP:

Well, that's what I want to understand, what's the mechanism?

LEG. FOLEY:

Get the State Government involved.

MR. SABATINO:

It's been an ongoing issue for a long period of time, there has been no action taken by anyone, there have been several different proposals. This particular legislation in its corrected copy form incorporates two of the approaches, one is to do the licensing at the County level. So there will be an extensive, comprehensive detail set of provisions in the bill which would, in fact, impose the first regulation of any sort, but clearly the first licensing regulations.

LEG. BISHOP:

But typically I've found that most of these organizations are

00054

religious affiliations, that's what they are in my area, in which case they don't have to come to the County for a license.

MR. SABATINO:

With regard to the religious affiliation, it may or may not be true; to my knowledge it's not true. But I think that one of the things that's evolved over the four or five years that I've been involved in it, largely because Legislator Levy initially got involved in it with legislation, is that it's really hard to get a handle on what's out there. And one of the thoughts is that the legislation, in some manner, shape or form, is going to kind of flush out what the problems are and make them a little bit easier to focus on or easier to address because it's very, very nebulous in terms of how these operations seem to pop up here, there and everywhere.

LEG. BISHOP:

No, I know that.

MR. SICIGNANO:

It's also sheer numbers.

LEG. BISHOP:

And I know that I want to join in a search for a solution, I just think it's the very nebulous nature of the problem, there is no uniform, typical sober house. And there is no funding stream, as pointed out earlier, it's not like any government agency is funding sober houses.

MR. SICIGNANO:

There are some.

LEG. TOWLE:

Federal and State.

LEG. BISHOP:

Well, Federal and State only because their people are on social services, but not funding them as a sober house. So it makes it a very difficult area in which to regulate.

MR. SICIGNANO:

Well, you say you lived next to three of them, you said?

LEG. BISHOP:

Yes.

MR. SICIGNANO:

How many people are in each house, do you know?

LEG. BISHOP:

More than 20 in each one.

MR. SICIGNANO:

Don't you think -- is that to code in Brookhaven?

LEG. BISHOP:

No. I'm in Babylon, it's not the code.

00055

MR. SICIGNANO:

Oh, Babylon, I'm sorry.

LEG. BISHOP:

It's not the code, they just recently -- it's a complicated story, but in the case of my community it's the Reverend Jimmy Jack. And the Reverend Jimmy Jack, Long Island Teen Challenge bought two homes on a compound property which he has the male homes, and then he bought next door another structure which is the women's house.

They're actually a very -- in this case, they are very good neighbors, I mean, they plow everybody's driveways when it snows and so forth, but it's certainly not to code, you know. And the way that it's been described to me by town attorneys is that it's a difficult issue because they claim that they're a church, and as a church they don't have to abide by the same rules that a non church facility would. And they also are not licensed, they're not a licensed alcohol facility so they don't have to go through that whole State bureaucracy.

MR. SICIGNANO:

Do churches also have to have fire exits and certain things a church building should have; aren't they regulated by code in the town?

LEG. BISHOP:

Yeah.

MR. SICIGNANO:

Well, why couldn't the sober house --

LEG. BISHOP:

I mean, it's being regulated.

MR. SICIGNANO:

-- also be regulated by the amount of people that are living in the home, not 20 by six which is reasonable. We're not saying we don't want sober, we don't want saturation in a low wealth community or in any community for that matter.

LEG. BISHOP:

But as I understand it also, what comes into play is the Americans for Disability Act, is that correct? And you try to impose the local regulations from the town or the County and the organization will say, "Under the Americans for Disability Act, we are defined by the Federal Government as disabled and you can't impose your rules on us because we're in that classification."

MR. SICIGNANO:

How many sober houses are in that classification?

LEG. BISHOP:

Counsel, isn't that a decision that's out there currently? That's being challenged I assume.

MR. SABATINO:

No. There is an US Supreme Court decision, but that decision is being

00056

cited for a lot of things in terms of this issue, but it really I think is being over stated in terms of what it said.

LEG. BISHOP:

I'm talking about a District Court decision.

MR. SABATINO:

What that Supreme Court decision said, it involved the Georgia situation. The long and the short of it from my recollection is that -- what the Supreme Court said was that in a situation in which a State agency said that individuals should be mainstreamed or placed in a facility similar to this, that the State of Georgia couldn't say no, you can't put them in a facility. But that's different than saying --

LEG. BISHOP:

That's not the case I'm talking about. I'm referring to --

MR. SABATINO:

Well, that's the case that everybody has been --

LEG. BISHOP:

-- actually a Long Island, United States District Court case.

D.P.O. LEVY:

That was Oxford.

LEG. BISHOP:

Oxford, right. Thank you.

MR. SICIGNANO:

You know, you're going to find a lot of little things, little tweaks, but what law that came out of this committee that was perfect that didn't have to be looked at again and tweaked a little bit and came -- why can't we put something in place now instead of keep going back into committee, keep going back into committee and never getting anywhere, and meanwhile people are saying, "Oh, we better hurry up and do something, let's buy up some more real estate in low wealth community and put more of them in." I mean, that's what's happening in my area. We need this legislation.

LEG. BISHOP:

Yeah, I'm not making the argument for doing nothing, I am making --

MR. SICIGNANO:

But you say there's a problem with it, is what your argument is.

LEG. BISHOP:

No, I am not arguing that at all.

MR. SICIGNANO:

Okay.

LEG. BISHOP:

I am just trying to understand what we're doing because it seems to me to be a very difficult conceptual problem. I don't understand how

00057

we're going from the County, going to trump Federal Law, regulate in an area which is usually town regulated and get some control over facilities which don't have to get any licenses, it seems like a very tall order. And I'd like to -- that's what I'm asking, how do we intend to do that?

MR. SABATINO:

First of all, just to lay the foundation, there is no magic bullet. I am not aware of any single, separate action --

LEG. BISHOP:

That's why we hired you, you're supposed to --

MR. SABATINO:

And I appreciate that and that's why we're going to do it indirectly instead of directly. But I'm not -- I'm not really sure what you say that we're in violation of some Federal Law, because as I started to say to you, I respectfully disagree. The case that everybody is citing is a Georgia case --

LEG. BISHOP:

I'm not citing -- I'm citing Oxford House, Steve Levy knows the case.

MR. SABATINO:

Then I'm not sure --

LEG. BISHOP:

It's a United States District Court, Eastern District of New York.

MR. SABATINO:

Well, edify me because I'm not clear what your --

D.P.O. LEVY:

Well, first of all, before I speak, I would just like to get a ruling from Counsel, I am presently being sued by sober house owners on the fact that I've been speaking out on behalf this issue. And I just want to make sure, given the pendency of this suit, Paul, is there any prohibition against me voting on this bill or speaking on it?

MR. SABATINO:

No, because our discussion was that that lawsuit relates to certain specific individual remarks. As long as you don't talk about the substance of that litigation in this discussion, you are free to vote on the bill.

D.P.O. LEVY:

Good. I would just point out that part of that litigation is the sober house owners claiming that I am in violation of the Fair Housing Act in having spoken out about what I consider to be a double standard whereby sober house owners can go to a town and say they're single-family for the purposes of being taxed and yet go to Social Services and say they're multi-family for the purposes of allowing all of these people into their home and collecting rent from Social Services both on the State and County level as though they're multi-family, and I've said that that's a contradiction that should not be permitted. So given that, you know, I just want to state that

00058

on the record, they are bringing suit against me trying to state that I am in violation of the Fair Housing Act and speaking out on my constituents, and I want to know am I stifled from speaking on this issue because of that lawsuit?

MR. SABATINO:

Well, I wouldn't speak about the details of that lawsuit. To talk about this piece of legislation, you know, I don't see a problem with that, but don't try to draw connections or parallels between what's happening in that litigation and what's happening with this legislation, and I think you will be okay.

D.P.O. LEVY:

Okay.

UNKNOWN AUDIENCE MEMBER:

I just want to say one thing before we go on.

D.P.O. LEVY:

Ma'am, I have to -- just one minute. We've got to follow an order here. Let me go over to Legislator Towle to be followed by Legislator Caracappa and then we'll wrap it up, I'll get to you in a second.

00059

[THIS PORTION OF THE MEETING TRANSCRIBED BY KAREN LEVASSEUR]

LEGISLATOR TOWLE:

First of all, Steve, I'd be happy to financially support your lawsuit now that you've described that to us because I think it's important to really take a position on an issue that's important. There's probably 25% of the houses that would fall under this law, and clearly we are not going to address, as the Counsel pointed out, this is not a silver bullet to resolve every problem. But I do think it brings the issue, you know, to a head. I also

think it brings the issue to light and it provides some relief for those that are not Federally or State funded. I also think it's going to put some pressure on the Federal and State Government to step up to the plate and do their job. They're providing funding for facilities that have no regulation whatsoever, and are having an adverse affect in the community. I'm not opposed to facilities that provide a good service and a responsible service and a responsible manner. But that clearly is not the majority of these facilities if you listen and talk to some of your own constituents.

D.P.O. LEVY:

Okay, Legislator Postal and then Legislator Caracappa.

LEGISLATOR POSTAL:

I guess my questions are for Paul, too, because I've been really confused by some of the language in 1155. I've had sober houses in my legislative district and it's my understanding that there's a difference between a sober house and a substance abuse house. And it's my understanding that there is something which is a substance abuse house, which is certified by New York State, DSAS, and that would be a facility which meets certain standards, many of which are similar to what's in 1155. For example, there must be a program of treatment, there must be a social worker, there must be 24 hour supervision. All of those requirements result in a certification by DSAS, by the New York State Department of Substance and Alcohol Abuse. And a sober house, on the other hand, is just a residence where a number of substance abusers live, and no services are provided and no certification is required; and that's the problem here.

And I guess my question to Paul Sabatino is that in view of that, it seems to me that the problem is the sober house and not necessarily the substance abuse house, and would it be possible, therefore, to outlaw sober houses and require that they be State certified substance abuse houses? Because, you know, it seems to me that the worst thing in the world that you can do is put substance abusers together, in close proximity to each other, without treatment. I mean, any treatment program will tell you that substance abusers should not go back into an environment where they are exposed to other substance abusers. So would it be possible to do many very many of the things that are in 1155 but to kind of base it around the premise that we would prohibit -- require these residences to be State certified substance abuse treatment houses? Is that a possibility, with all of the requirements inherent in becoming State certified?

MR. SABATINO:

I hesitate to give the quick answer. Just to back up to an earlier comment, I think one of the problems is, the bill originally was worded with sober house, but Legislator Towle had asked that the title be changed because apparently that was -- because there is no definition of a sober house, per say; it really didn't make a big difference in terms of legislation, except for a perception standpoint because apparently there was a perception standpoint that by calling it a sober house, it had some kind of a negative connotation. So just from a technical standpoint, the reason the language was changed from sober house was really not for legal reasons but more for perception reasons. The only problem with, you know, your suggestion is that you may wind up with a loophole because if you're backing in and saying that it's basically what already is required by the State for certain facilities, and the State is not requiring those conditions for what we call sober houses, you could wind up with a preemption argument. So that's why we didn't go that way when we developed the legislation.

The thought was that since they're not being regulated at the local level, State level, or the Federal level at all, that the only real approach you had was two-fold. One was to try to

do it across the board, at least put some terms and conditions on them in terms of licensing, and then part two was to try to establish a process for those cases where there was some State or Federal or local funding, to try to create a mechanism for the actual siting of them. But we looked at it at the beginning, you know, a couple of years ago. The problem we had with trying to back into the State certification language is that you wind up excluding the non-State regulated activities, which is what we're trying to regulate.

LEGISLATOR POSTAL:

I understand that. I'm puzzled by why we wouldn't just prohibit the establishment of --

MR. SABATINO:

Just to cut you off, that goes to the notion that Legislator Bishop mentioned before, which is that because of this U.S. Supreme Court case coming out of Georgia, we can't just say you can't have them. If you ban them outright and you say you can't have any of these facilities in the County of Suffolk, then you're going to bump up against what the U.S. Supreme Court was saying in Georgia, which is you can't say once the determination is made that these are a legitimate way to treat people, you can't have them. So what you're left with is some level of regulation that is short of an outright ban that eliminates them, and that's why we wound up here. It's a very difficult area to address legislatively, especially at the local level. And quite frankly we're breaking new ground here, and I think we've gone as far as we can in terms of pushing the envelope. And there's no guarantee this is going to work.

LEGISLATOR POSTAL:

In other words, if this bill were approved, then those residences which is State certified substance abuses residences would also have to become licensed, under the provisions of this statute.

MR. SABATINO:

Yes, if they fall under the definition.

LEGISLATOR POSTAL:

Okay, thank you.

D.P.O. LEVY:

Okay, we still have a number of speakers. Did you have one quick question for Legislator Bishop?

UNIDENTIFIED SPEAKER:

Yes, I just wanted to point to Legislator Postal, yes, she's right. One of the problems that we're encountering now with the rental law is that it is not becoming profitable for rentals in our area, with the rental law. So many of these agencies, they're properly owned. They convert these single family homes into sober houses. This is a business, folks. There are people turning around and making money. So now that we have the rental law in place, they're going around another way; now they're buying up these houses and it's more profitable because many of these people whose clients are in these agencies, once they complete the six week course of rehabilitation with drugs and alcohol, they are placed into our communities. These people are also receiving social services. The grant is probably \$498.

D.P.O. LEVY:

It's 309.

UNIDENTIFIED SPEAKER:

This is the amount that they paid in the sober house. So if you have 12 individuals, figure the math. Or 20. So it's very profitable. So what we're looking to do is, we know, we were aware that the State mandates over the County and we knew that this was not going to be the remedy to our problem; but it's a stepping stone. Please help us.

D.P.O. LEVY:

Thank you very much. Jack Glassman is next. One more question from Legislator Postal.

LEGISLATOR POSTAL:

Not for the speaker, I guess either for the sponsor and/or Paul Sabatino. I'm thinking back to the dry cleaning licensing bill that we did a short while ago where we exempted those dry cleaning establishments which were State licensed from having to get a County license. And I'm wondering whether it would be possible if we went ahead with this to exempt those substance abuse treatment houses, which are already New York State certified from going through a licensing procedure, to avoid having them to pay, you know, two fees.

LEGISLATOR TOWLE:

My understanding, Legislator Postal, from having spoke to Counsel, that we obviously can't oversee the Federal Government or the State Government, at least 25% of the houses aren't funded through Federal or State funding. So that's the group or the percentage that I believe that we're going to be able to target with this bill. I think the bill also brings the issue to attention, which hopefully is going to put some pressure on our Federal and State elected officials, many of which, if not all, are up for re-election this year.

LEGISLATOR POSTAL:

Yeah, my only point is that I would feel comfortable if we were to require any of these residences to have one of two things; either a license, this license that's required in the statute, or the New York State certification. Because it seems to me, then, we would be focusing on the houses that I know are sober houses.

D.P.O. LEVY:

Okay, thanks. Mr. Glassman, your time starts now.

MR. GLASSMAN:

Thank you, ladies and gentlemen. I want to go back in history for a minute. When the AME convinced other Legislators that alcoholism should not be treated as a crime, or the effects of alcoholism be treated as a crime, but rather as a mental and physical illness. Well that meant that it changed the law's ability to punish people who committed crimes, while under the influence of alcohol, to the fullest extent. Now we come up further down the road and we have the American's for Disabilities Act, which was initially intended for people to be able to get to employment, reach shopping, and have parking spaces.

All of the sudden, the specter comes up that these things could also be used to defeat the need to control the type of housing usages that occur in residential areas, and that seems to be a bone of contention. So I think maybe before we talk about -- put in anymore legislation or support legislation, that may have a twinge of -- hate to use the word liberalism, maybe we better start looking at those who earned the right to have certain privileges and benefits, as opposed to those who choose a lifestyle that's in total opposition to those type of things. So it all seems to come under one type of heading, of basic values and the need to earn and keep these values, is going to deprive some small percentage of

those benefits but reward those who earn them by giving a conventional lifestyle the right to have them.

Okay, now these sober houses they're talking about, it's a real estate scam; we all know that. And somebody upstairs has said, look, feel sorry for these people, they chose to use drugs, they chose to use alcohol, they have done damage in the legal area to other people and deprive them of their rights; now they hit a blank wall and we want to build a red carpet for them and reward them for a lifestyle. Now I can tell you from actual experience, though I don't drink, and in my family, an alcohol counselor told us that alcoholic should never be given anything until they've earned it and re-evaluated the fact that they have stepped on other people's physical and emotion rights, including families, children. So what's the big empathy here? If these houses are not regulated, I don't care under what circumstances --

D.P.O. LEVY:

Jack, if you could just wrap up, please.

MR. GLASSMAN:

I'm almost done. Oh, by the way, I want a special thanks to George Guldi and Mrs. Fields for helping put together a very important issue, which is still being kicked around on the prescription drugs and medical care. So I think that they deserve a darn good round of applause for really putting together a good thing. And, again, Mrs. Fields, I'm available. By the way, Mr. Levy, I called your office a couple of times, they said you lose the number.

D.P.O. LEVY:

Jack, we've known you for 10 years, since the steel jaw traps, we've referred to your Legislator of the moment, and we know that you're in contact with him on a daily basis. Okay, we have two more speakers, George Glew, and company. While we're waiting for George, how about Dr. Mark --

MR. GLASSMAN:

Can I ask one question? Is there a better show going on over there than there is out here?

D.P.O. LEVY:

Maybe. George, how are you?

MR. GLEW:

How are you doing, Legislator Levy? How have you been?

D.P.O. LEVY:

Good to see you again. It's been a long time.

MR. GLEW:

A long time. I stopped going to night meetings. Good evening, ladies and gentlemen. My name is George Glew, I'm a senior paramedic in Shirley and the Ambulance Services Manager for the Shirley Ambulance District. I also have with me tonight the Chiefs and representatives from the Mastic Ambulance District, the East Moriches Ambulance District, and our colleagues from the South County Ambulance District, which covers the Brookhaven hamlet, Bellport hamlet, and the unincorporated area of East Patchogue. We understand that tonight, if it hasn't been done already -- we were out in the lobby, I've got my son with me tonight -- that Legislator Bishop and Legislator Towle may be putting forth a resolution for a C/N to process more funding for the medivac and police mission helicopters in this County. We wanted to speak strongly in favor of that. I, myself, have

been in the system about 28 years and have seen a few helicopters go through this County, and we wanted to speak strongly in favor of that dual mission helicopter. We wanted to speak strongly in favor of the McDonald Douglas 902, which we feel would most closely match our needs and give the best appropriate service.

We would furthermore like to say that our east end fellow providers that serve the same access to the prompt and efficient medivac service, that we afford ourselves and have in mid and western Suffolk County, to be able to avail themselves of it without the inordinate delays in ETA's for these guys flying out of the west end of the County to the east end of the County. The folks of the east end deserve the same, a benefit of service of medivac in timely fashion that the western residents do. And up to date, they really don't get the kind of ETA's that we get in the Mastic/Shirley, Brookhaven, Bellport, East Moriches area. So we would just like to speak strongly on that behalf and thank you for your ongoing support of EMS in Suffolk County. A couple of my fellow associates here would just like to say a few words. Thank you. Anybody want to say anything? No, that's it. Anybody have any questions?

Okay, just one thing, our organization's -- just to put it into perspective, in the EMS population in Suffolk County, for the 10 patients that receive an IV or advanced life care in this County, our technicians do one out of every 10 in this population in this County. Some of our folks are also the paramedics in the back of the helicopter. So we speak with fine experience on that and appreciate your support. Thank you.

D.P.O. LEVY:

Thank you, George. I just want to commend George for his work for about a decade ago for the volunteer recognition day. You did a great job with that, George; appreciate it.

MR. GLEW:

Thanks; appreciate it.

D.P.O. LEVY:

Dr. Mark Henry, was he included with that group?

MR. GLEW:

Yes, he was on ours.

D.P.O. LEVY:

Okay, good. Is this Dr. Henry? Did you want to say anything further, Dr. Henry?

DR. HENRY:

Thank you, I'm Mark Henry, I'm Chairman of Emergency Medicine at Stony Brook. And as you know, we provide the medical personnel to staff the medivac helicopter in the County and together with the police have been providing that service since the beginning. I have brought a map because I've shown it to the Public Safety Committee and to some of the Legislators, and they found it helpful as an illustration of what the need is, what the present service is, and what we believe the future need is. And I'd ask Steve {Lewinski}, perhaps in front of the table there, people could see it easier, if you would permit him.

But this is a map of the County and we have put dots on there to represent patients who have been airlifted to hospitals. And the red dots represent --

D.P.O. LEVY:

I'd ask that you just stay at the mike when you're speaking, okay?

DR. HENRY:

Okay, why don't we put it right here. This is Dr. Snelling, she is our Medical Director for EMS at the hospital. Give a hand; they put this map together. The red dots represent medivacs who are flown to University Hospital; the blue dots represent patients who are medivac'd to other area hospitals. For example, you'll see a lot of patients who are flown off the barrier beaches because there is a boat versus air decision there. Predominantly the bad traumas and the bad cardiacs come to University, which is the region one trauma center, the level one trauma center in the County. Some other patients go to area hospitals.

The green dots are what we believe are unmet need on the east end. We do about 400 medivacs a year in Suffolk County. We do another 75 interfacility transports by air; predominant numbers are done by the ground. But there is a small number that need to go by air. We believe by looking at the trauma registry, which the County keeps together, at University Hospital. And this meets the State definition of trauma, someone hospitalized with severe trauma, that there is another 187 patients who would benefit from an east end helicopter, if it was located on the east end. Because the reality is, where it's based out of, it takes a certain amount of time to get up in the air and out there, and providers have a tough time watching someone on the street, on the road, getting paler while they think help is arriving.

Of that 187, 10% died. So it's a severely injured population. About 60 of the patients, 1 in 8 or so is intubated. They're intubated by our paramedics who have special training, so that if necessary they can paralyze a patient and intubate them. These are people who have a good chance of living because they have, for example, a bad head injury, but they have enough life left in them, they are clenching their teeth so it's very difficult to create the airway without giving drugs to facilitate it. Obviously, if you're going to undertake a procedure you need highly skilled people who are trained in O.R.'s and have their skills up to date to do it. University Hospital is willing to provide the paramedic service. If you choose to do an east end location, as well as maintain the one, this is done at no cost to the County, and we'd be glad to give you other information, at your request.

D.P.O. LEVY:

All right, thank you, Doctor. We have a question from Legislator Fisher, please.

LEGISLATOR FISHER:

Hi, how are you doing?

MR. GLEW:

Good.

LEGISLATOR FISHER:

I have a question not regarding these charts, but regarding the two helicopters that we have been looking at, the 135 and the MD 902. When we looked at these two crafts, the two different helicopters, the representatives from the companies indicated that you could fit two injured people in the 135 as well as in the 902. However, when we boarded the craft, we saw that it was a tight fit in the 135 and Dr. Alicandro boarded the craft with me and showed me how you couldn't reach the lower extremities of the patients. However, someone else represented that once you entered the helicopter the patients have been stabilized, that you don't really need to reach the lower extremities, that you only need to reach the head and the upper chest area, and the throat. Can you explain why it would be important to be able to reach the person's whole body in the helicopter?

MR. GLEW:

Well the easiest example, we have a patient who actually -- the volunteers came along because he was in a train accident and lost both his legs and required tourniquets on the lower extremities or he would have bled out. He's alive today and he's glad he's alive, and he has prosthesis. So there's one case we know of, and we can talk more about. In general, my response to this is, it is my understanding that it would be much tighter, that you could evacuate two, potentially, in the one but it would be much tighter to do medical work, and there's certainly more space for medical treatment in another. That's the best of my understanding. Dr. Alicandro has overseen this mission for us, for several years, and she's the County's Medical Director for EMS and she would be a good source of expertise.

LEGISLATOR FISHER:

Okay. How often are there two patients in a helicopter? Is that a majority of the cases, very rare?

MR. GLEW:

Well right now because certain of the ships are not really designed for medical missions, as you know, the feet are up by the pilot and the heads back there with one provider, it's limited to one.

LEGISLATOR FISHER:

Okay, so if there have been very few where there are two patients in the helicopter it's not because it wasn't necessary but because it wasn't feasible; is that what you're saying?

MR. GLEW:

That's right. You couldn't take our numbers and extrapolate that because of different equipment being available. When we looked at the trauma registry to try to answer this question, we found that there were 40 times in the past year when there were more than one person injured at the same accident who required hospitalization that met the trauma registry criteria.

LEGISLATOR FISHER:

And you were only able to take one into the helicopter?

MR. GLEW:

To my knowledge, we've always taken one; it's been a rare exception when we've taken two. Okay?

LEGISLATOR FISHER:

Okay, thank you very much, Dr. Henry.

DR. HENRY:

You're welcome.

D.P.O. LEVY:

Fred.

LEGISLATOR FISHER:

There is another question.

LEGISLATOR TOWLE:

Yeah, just a couple more, I think. For clarification of those members who didn't obviously hear your presentation at the Public Safety meeting, and people were obviously walking in and out with constituents here, I just want to go over the numbers again one more time,

as far as your view of the State Health Department records of the number of calls on the east end that could have used medivac services. What was that number?

DR. HENRY:

187, and that's trauma. And I believe what we're going to see in the new national recommendations are that people with cardiogenic shock, where the heart's, you know, dying, are going to be recommended to be brought immediately, or as soon as possible, to a place that can do cath, angioplasty, and bypass surgery to salvage it, and I think we're going to see recommendations like that for stroke. So, that's the trauma number; I think there's a medical number, which is a little bit higher than that, but that would be a guesstimate at this time.

LEGISLATOR TOWLE:

Of that 180 number, how many of these people died?

DR. HENRY:

10%.

LEGISLATOR TOWLE:

And right now, approximately 10% of our calls are in eastern Suffolk County, based on our current calls today.

DR. HENRY:

Right now the number is low, that's right.

LEGISLATOR TOWLE:

Thanks.

D.P.O. LEVY:

Legislator Alden.

LEGISLATOR ALDEN:

Trauma -- excuse me, I really don't know what -- trauma registry criteria? Is that --

MR. GLEW:

Yeah, there's State Trauma Registry that New York State maintains. It's one of few in the nation. And all the regions look at critical hospitalizations for trauma and those cases are reported in the Statewide trauma registry.

LEGISLATOR ALDEN:

Oh, all right, because I made a mistake. I thought that was something that at an accident scene, like a check list that you would use this whether you medivac somebody out or not.

MR. GLEW:

No, that's trauma criteria, which would be similar, but when I refer to the trauma registry I'm telling you what database I went to, to try to give you numbers -- for example, my best estimate for the east end need is from the trauma registry. Other numbers I gave were from our actual flights that we've done. So there's two databases. I didn't want to misrepresent -- the green dots are from the trauma registry.

LEGISLATOR ALDEN:

At the scene, though, there's more, I guess it would specific data that's looked at, specific criteria, whether somebody could be medivac'd out, because sometimes --

MR. GLEW:
Exactly.

LEGISLATOR ALDEN:
-- even if they have endured severe trauma, you can't really --

MR. GLEW:
There's physiologic criteria, like hypertension. There's anatomic criteria, such as, you know, major long bones in two locations, which says you would have multiple trauma. There's mechanism criteria, like death of an occupant in a car, being a survivor had that kind of force applied to them. So the EMS personnel apply all three.

LEGISLATOR ALDEN:
Okay, thanks.

D.P.O. LEVY:
Okay, thank you. That was our last speaker. Thank you very much, Doctor.

MR. GLEW:
Thank you.

D.P.O. LEVY:
We have a long agenda, so I'm going to call for a 15 minute recess, just so we can catch our breath, get everything together and we'll come back out and go right into the agenda. Recess for 15 minutes.

(THE MEETING WAS RECESSED AT 9:15 P.M. AND RESUMED AT 9:40 P.M.)

P.O. TONNA:
Okay, will all Legislators please come to the horseshoe. Do we need a vote? Okay, let's roll call please.

(*Roll Called by Mr. Barton*)
MR. BARTON:
Okay, we have 17 present.

LEGISLATOR TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Towle. We're going with the agenda or no? What are we doing?

LEGISLATOR TOWLE:
I want to make a motion, for the purpose of aging for an hour, 1155, the local law regarding selection procedure for substance abuse houses and sober houses.

P.O. TONNA:
There is a motion by Legislator Towle, seconded by Legislator Caracappa. Any discussion? Okay, all in favor? Opposed? I'm opposed to that. I do not want this discharged. On the motion, I'll just speak. We discussed this in the Social Service Committee. We think that it's a good bill. I still have a problem with one issue which is, I think the bill had been

corrected to make it three members; I've asked for four and over. I think there were some concerns in the last Social Service Committee with regard to the issue of -- some people came and asked -- I told them to go right to you, the sponsor. I think Catholic Charities came and spoke. Representatives of -- I'm trying to remember where else. But have they spoken to you at all? I told them they should call you, contact you, and speak to you as sponsor of the bill. No?

LEGISLATOR TOWLE:

Not to the best of my knowledge. I reviewed all my phone messages. Obviously, unfortunately I had a babysitting problem the day of the Social Service Committee, the last one, so I couldn't make it. But I've been in and out of my office all week; I didn't have any messages from them. I did speak to the members of the Legislature and agreed to some adjustments to the bill, which are obviously filed in the corrected copy.

LEGISLATOR D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Yes.

LEGISLATOR D'ANDRE:

Does that open up the County to a lawsuit?

P.O. TONNA:

I'd ask legal Counsel; you know, I'm not an attorney, so I have absolutely no idea. I know Legislator Crecca had that concern in committee. I have no idea; maybe legal Counsel.

MR. SABATINO:

We had a fairly extensive discussion a little while ago. I mean, the long and the short of it is that there is no Federal, State, or local regulation that currently applies to these situations. This would be an attempt through licensing and a voluntary site selection procedure process. Will somebody challenge the statute if it's adopted? It's a possibility; we're breaking new ground. I mean, there's nothing out there right now that deals with the issue.

P.O. TONNA:

Yeah, Legislator Guldi, and then Legislator Alden.

LEGISLATOR GULDI:

On the motion. I'm going to oppose -- we're still on the discharge issue? On the discharge motion, I'm opposed to discharging this legislation at this time. While we're talking about breaking new legislation by licensing in an unregularity, I disagree. We still have the equal protection clause. We're creating a class and category of discrimination of people who are trying to deal with drug and alcohol problems. We're talking about halfway houses and treatment situations, yet we leave the entire area of people who aren't dealing with their drug and alcohol problems totally unregulated, firstly. So we have a discriminatory problem. I do believe we are stepping into a land use area that is pre-empted by town regulation. I believe that we have Federal, State, and local jurisdiction that we are transgressing, that the mental health and hygiene laws of the State are pre-eminent in this area. I am, by no means, comfortable with discharging this. I don't think we've done the analysis on it, and I'm voting against discharging it. If it comes to a vote today, I will vote against the resolution.

LEGISLATOR TOWLE:

So I guess you're not a co-sponsor.

LEGISLATOR GULDI:

No.

P.O. TONNA:

We have Legislator Alden next. After that, Legislator Fisher, and then Foley. Legislator Alden.

LEGISLATOR ALDEN:

The bill is corrected copy as of 3/28/00, is that the most recent version? All right, then I have a question on structure. It's section 3 and section 4. Section 3 deals with municipalities. I guess I'm going to have to ask Paul. Are we trying to regulate that municipalities, and specifically the default clause in here that concerns me greatly.

MR. SABATINO:

Section 3 deals with the site procedure situation where the parties may, they're not obligated to, participate in that process. If they choose to do it, there's a whole series of procedural steps that would have to be adhered to, one of which involves using the County Department of Social Services for the hearing process to make a determination. That portion is modeled after a law that the County did in 1989 to deal with emergency housing shelters in the County.

LEGISLATOR ALDEN:

Okay, so this is not mandatory, then? Three is not mandatory?

MR. SABATINO:

Not that portion. The portion that, as I had stated earlier in the discussion that took place, the licensing requirements which were in Section 4 would be the County-wide requirements that are being opposed on the facilities.

P.O. TONNA:

Legislator Fisher.

LEGISLATOR FISHER:

I'd like to ask Counsel some questions regarding the statements just made by Legislator Guldi regarding pre-emption by town regulations. I thought in Section 3, site procedures, that this provided for the municipality to approve or not regarding the site. Does this refer to the same kind of pre-emption area that you were talking about? Well, I'm asking Counsel and yet I'm asking you, as well.

LEGISLATOR GULDI:

I only listened to the last part of the question; I'm sorry.

LEGISLATOR FISHER:

Okay, it was basically on your statement regarding pre-emption by town regulations. And I thought that the Section 3, which was site procedure, which lists a number of areas where the municipality is making the determination as to whether or not there could be a sober house in that area and where it should be, etcetera, and basically defining it. I thought that that was giving the final determination to the municipality and, therefore, there wouldn't be a pre-emption.

LEGISLATOR GULDI:

The problem I have with it, and Counsel, feel free to reply, is land use zoning defines use structures. Once you get to trying to define occupancy under land use regulations, which are a town purview, which we have no jurisdiction in whatsoever, you are engaging in per se discriminatory behavior. There is a whole line of cases where people have tried to do this to students, etcetera. These are houses that people are living in. And once you start to do that, you do cut across into discriminatory areas. I don't think we've done the analysis, we haven't reported it out of committee; that's where it belongs, it should go through the process. It shouldn't be here by discharge. Those questions need to be examined closely and ad nauseum. And I'm not comfortable with regulation which to my thinking strikes me as discriminatory against people who are trying to deal with drug and alcohol problems, and it's an area where we completely failed to deal with those people who aren't.

LEGISLATOR FISHER:

Counsel, is your opinion -- does your opinion concur with Legislator Guldi's?

LEGISLATOR GULDI:

Hardly ever.

LEGISLATOR FISHER:

I would just like to stand between these --

MR. SABATINO:

Well, no, they do when we're right, but --

LEGISLATOR FISHER:

On that rare occasion, okay.

MR. SABATINO:

I think that perhaps there's a little bit of overstatement in terms of what the impact of the legislation is. So, on --

LEGISLATOR GULDI:

I don't think it's going to work.

MR. SABATINO:

Well this is modeled after something that was done for emergency housing provisions back in the late 1980's. But as I said before during the debate, there is no magic bullet and I'm not suggesting that this is a final answer because we're in an area, and I stated before, which is nebulous in terms of who these entities are, but equally importantly is an area that's not regulated, contrary to what's been stated, either at the State, Federal, or local level. That's why I do believe that there is some window of opportunity to do something. It may be less than this, it may be more than this. I don't think it can be more than this because I don't think we have the authority to go beyond this.

LEGISLATOR FISHER:

With the pre-emption issue, is what I wanted --

MR. SABATINO:

Yeah, but just to get back to the specific point there is, Section 3 is to give municipalities, towns and villages, an opportunity to participate in the process, to try to suggest

alternative sites, when a sponsoring agency is getting some kind of funding for providing these facilities, comes forward and indicates they're going to put a facility in a particular location. If the parties can't agree on an alternative site or find that the site that's being suggested is suitable, there's a provision in here to allow either of the parties to apply to the County Department of Social Services to act as a hearing officer, in effect, to try to make a determination as to whether or not the proposal makes sense or not. So it's not the County passing legislation to ban the construction or the installation of the facilities, it's not outlawing them in the County of Suffolk and it's not imposing a County determination on where the site should be. So I think it's important, from the perspective of what was said before, that I think --

LEGISLATOR FISHER:

So then you agree that what I said, that Section 3 really provides for the municipality to have --

MR. SABATINO:

But not the final say. I think the comment that was made is that this --

LEGISLATOR FISHER:

Some input in the process.

MR. SABATINO:

Input. They can participate. It's to try to create a mechanism or a vehicle to get some input in terms of suggesting alternative sites or trying to arrive at alternative sites. But it's not imposing an alternative site. That's what I meant before about saying that I think the bill may be overstated in terms of its impact. That's why I don't see a conflict with the local zoning laws because we're not imposing anything on the town or the municipality with regard to Section 3.

LEGISLATOR FISHER:

Thank you. Mr. Chairman, I have another question. George, I have to ask you something else because you mentioned a few things that I didn't think were an issue regarding this particular resolution. You said that it discriminates against people who are trying to get help and people who are trying to overcome the problems. And I thought that this resolution was trying to regulate sober houses and be certain that the houses in which these people with problems found themselves had -- well, provided a person who is certified or licensed as heading this household. But it just couldn't be people thrown together without someone who knew how to deal with their problems. Because if you're going to have five recovering alcoholics in a house and the person who is the house owner or the manager has no background, has no motivation other than possibly making a lot of money out of it, then it isn't really helping them, to just throw them together in this one place. So, I've been supporting this resolution because it seemed to me that it wasn't discriminating against alcoholics or drug abusers who were trying to clean up their act. I thought what it was trying to do is two other things, which is regulate the person who is running the house, number one; number two, regulate the density of the site placement of these houses. It really isn't fair to put 10 sober houses in a ten square block area and none in other areas. And I don't think it really helps anyone to have a person who is just a mercenary running it.

LEGISLATOR CARACAPPA:

Mr. Chairman, could be put this debate off when we discuss the bill? This is a discharge motion.

P.O. TONNA:

Well, we might not get there. We're discussing whether we want to discharge this or not. I mean, this is what happens.

LEGISLATOR CARACAPPA:

We're discussing if colleagues approve of the bill or not.

LEGISLATOR FISHER:

Well, actually, Joe, the reason I'm asking these questions is --

P.O. TONNA:

Legislator Fisher has it. If, Legislator Caracappa, you want to be on the list --

LEGISLATOR FISHER:

I've been supporting this resolution. There are questions that are being brought up that I find disturbing and --

P.O. TONNA:

That's why we have things in committee, Joe, and that's why these discussions have been taking place in committee. And that's why when you try to discharge and go around the committee system, you know, you're going to get into a lengthy debate. It holds true -- Legislator Towle has every right to ask to discharge something, and that's how it works and, you know, we're just going to keep on going.

LEGISLATOR FISHER:

Okay, I still have the floor and I had a question and I would like for Legislator Guldi to be able to answer my question.

LEGISLATOR GULDI:

All right, well, my understanding is that certified drug and alcoholism counselors are certified pursuant to New York State regulation by the New York State Department of Education pursuant to the New York State Mental Health Law.

LEGISLATOR FISHER:

But are they the people running these sober houses?

LEGISLATOR GULDI:

In addition to that other people who could provide those services are all also social workers, clinical psychologists and the like who are all certified, as such, under State Law. So, the argument that there is no licensing requirement is, to my way of thinking, specious. I live within about 150 feet of an institution called Seafield. Seafield has four or 500 drug and alcoholism patients in it at any given time. Okay? It is run by a man who has no certificates whatsoever; he runs it as a business and he hires a professional staff.

LEGISLATOR CARACAPPA:

How is it zoned?

LEGISLATOR GULDI:

It's zoned residential, as a matter of fact.

LEGISLATOR FISHER:

But there are certified personnel?

LEGISLATOR GULDI:

Yes, absolutely, and it is all regulated by the State of New York --

LEGISLATOR BISHOP:

That's the distinction.

LEGISLATOR GULDI:

-- and that's the point.

LEGISLATOR FISHER:

But isn't that an important part of this resolution?

LEGISLATOR GULDI:

The problem I have with this resolution is, take four individuals. Four individuals, let's say they all have drug and alcoholism problems and aren't doing anything about it, they can live anywhere they want. As soon as they bring someone in to try to stop drinking and drugging, they're at the same house, at the same address, they're now under a specious licensing procedure that we're creating to try to regulate them. And that makes no sense.

LEGISLATOR BISHOP:

George, that's not true. Four disparate individuals could not live together, by local --

LEGISLATOR FISHER:

Excuse me, Legislator Bishop, I still have the floor.

LEGISLATOR BISHOP:

You can't do that.

LEGISLATOR FISHER:

Legislator Guldi --

P.O. TONNA:

Legislator Fisher still has the floor. After that, Legislator Foley, then Legislator Bishop.

LEGISLATOR FISHER:

If they're bringing someone in, wouldn't you want someone that they brought in, to help them and counsel them, to have certification?

LEGISLATOR GULDI:

If they bring someone in who's offering that kind of service, without certification from the State of New York, they're already in violation of the State Licensing Law.

LEGISLATOR FISHER:

But --

LEGISLATOR GULDI:

It is regulated. That's why I believe we are pre-empted. That's why I don't believe we should be discharging this resolution. That's why I don't believe that we have done a sufficient analysis on the subject, before I even begin to get to the questions of the effectiveness of the statute.

P.O. TONNA:
Are you still on?

LEGISLATOR FISHER:
No, I'm off.

P.O. TONNA:

Okay, Legislator Foley, some words of wisdom. Just really to ask my colleagues to support both the discharge motion and the motion to approve a resolution today. Legislator Towle is not the only Legislator who has suffered with this particular situation, whether it's in my district, whether it's in Legislator Levy's district, or a number of other -- particularly south shore districts, but I would say probably geographically spread throughout the County, there is a growing, growing concern about the proliferation of these sober houses. Now all of us who are involved, whether we are in the Health Committee or another human services committee, you know, we feel strongly, we're very concerned about those who have substance abuse problems, who have alcoholism problems, as well. You know, many of us probably know dear ones, either family members or close friends, who suffer from one of these debilitating diseases. And there but for the grace of God goes many of us. We can think of Talbot House, which does a wonderful job of caring for those who are trying to get control over their alcoholism. But that's not the situation with these sober houses. These sober houses, whether they're in my community, whether they're in other people's communities, are unregistered. Many times they are landlords who know next to nothing, if anything, about ways in which to help those who have alcoholic or have substance abuse problems. They're not trained in those particular areas. They're doing as was said earlier by Grace, they're there solely to try and make money off of these people's diseases. And that's something that we shouldn't stand for, number one, and number two, the impact on local communities is growing monthly in this area.

I can tell you that just this past month, at least one other house had become a sober house, diagonally across the street from one that's been there for years, within one of my communities; no one knew about it. It just happened one day. Now, as I say, those of us who support this resolution, we are not insensitive to the needs of those who have substance abuse problems and to those who have problems with alcoholism. There is a right approach to those diseases. Sober homes, I would submit to you, is not the approach to take to try to help these folks, because in too many cases they're just thrown together, the landlords are there just solely to make money, not to help these folks. Thank you.

P.O. TONNA:
Thank you, Legislator Foley. Legislator Bishop.

LEGISLATOR BISHOP:

I think Legislator Foley was very eloquent and hit the nail on the head. I just want to address some of Legislator Guldi's arguments. I'm sure I won't convince him, but perhaps I can influence some people who may have been impressed by his analysis. The amount of studies are legion that demonstrate that alcohol and alcoholism has a negative impact on individuals and the society and the neighborhoods, you would concede that; correct? I don't think -- no, you wouldn't concede that? Well, I think most Legislators would concede that. Given that, I would argue that even if alcoholics are a protected class under ADA that the local government would have a compelling or a significant government interest in regulating the siting of alcohol houses.

Furthermore, by insuring that there is regulation and that the houses are ones with certified personnel or supervision, we're achieving exactly what you want. We're insuring that they are not being exploited, but they are actually being helped. So it's good for the community and it's good for the class that we're regulating. By ignoring the problem we allow landlords to explain the situation and we allow communities to deteriorate and we lose any control over the situation, which is bad for both the alcoholics and for the communities. So I think the bill is an important one; it's a new area of law that we're going into. And when I was asking questions before I'm still concerned whether we're going to be actually able to achieve our goal, but at least it's a fair and honest shot at it. And I would urge that we pass the bill and move on from there.

P.O. TONNA:
Legislator Levy.

LEGISLATOR LEVY:
First, Paul, I plan on making comments to distinguish sober houses from regulated facilities without making any reference to the particular sober homes that are in litigation with me. I just want to get clearance that that would be okay.

MR. SABATINO:
You're just talking conceptually about the overall framework. You're not involving yourself in the details of your litigation, then you're free to speak.

LEGISLATOR LEVY:
It's been asked by the Presiding Officer, I'm free to vote.

MR. SABATINO:
Yeah, we've had this discussion based on your explanation of the lawsuit to me, I see no problem in you voting on the bill.

LEGISLATOR LEVY:
Okay, I will not make any reference to the particular sober homes that have brought litigation against me, but I'll talk generically. We're not talking here about an Apple facility. Everybody knows what Apple is. There is many of them throughout Suffolk County. Apple, Phoenix House, okay, that's not sober house. Apple is over here on one side of the spectrum; sober house is completely on the other side. What's the difference? Apple, not-for-profit. Apple, one and regulated by professionals through the State. Apple puts their limits and regulations and rules within their particular household, which it violated -- will have retribution from the State regulators.

Now look at a sober house. They can be run either by not-for-profit or for-profit proprietors. That means you can have, as we stated before, 12, 16, maybe 20 people in a particular household collecting possibly 309 to \$400 per month per person, whatever the going rate is right now. There is no regulation from any level of government, whether it's town, whether it's county, whether it's state. There is no limits as to how many people can be in there or how many can be placed in any particular area. Think about a group home for the mentally ill in your particular area. Does it just pop up out of nowhere? No way. You have to go through the State Department of Mental Health and about four or five other State agencies before permission is given to go in that particular location. Is it likely that four or five of these particular facilities are going to be purchased on any one block? No, because the State regulators oversee this process. They will determine if there's saturation in any one particular area. They will determine whether or not there are

professionals in that particular facility to make sure that the people who are intended to be helped, are actually helped. That doesn't exist with so-called sober homes.

There's another category out there; it's called boarding house. If you want to open up a boarding house in any particular town, you just can't open up a boarding house with 10 or 15 or 20 people. You have to go to the town and you have to say, please give me a variance. I can't put a boarding house in the middle of a single family block; it's not zoned for multi-family; it's a single family block. Aaah. But if I call it a sober house, I could put 10, 15, 20 people in there. That's the problem. That's the gap in the law. That's where this particular legislation is trying to fall. That's the difference. There's boarding house, there's not-for-profit professionally run groups, such as Apple, who are regulated by the State and then there's this new animal that came out of the woodwork about four or five years ago labeled sober homes. A sober house owner can go to your block, or your block, and your block and buy up every house on that street around you and there's nothing you can do about it. And they can put in 10, 15, 20 people.

This bill is not intended to stop the concept of allowing people with alcohol problems to come together. It's intended to finally put something on the books that regulates it, just like we do with Apple and all of those other rehabilitation centers out there that are designed for the very purpose of helping the people in these particular homes or facilities. The owners of these facilities will say, we have rules and regulations. Whose rules and regulations? The one you made up? And what happens if the people inside don't abide by those rules? What happens? Is there any kind of State regulation or penalties that come upon your home, like there would be at Apple or a home for the mentally retarded? No, none whatsoever. This bill tries to professionalize it, encourage more not-for-profit ownership so that the people who intended to be helped are actually helped and that finally the people of the area have some kind of control over their destiny. We have a very good system with the mentally ill, where they are cared for quite adequately and it doesn't have the impact of totaling changing a single family area. We can have that same concept here; you can't have it if you allow the status quo to continue, where there is no regulation at all. This bill seeks to have some kind of common sense regulation; we should approve it.

[THE FOLLOWING WAS TRANSCRIBED BY LUCIA BRAATEN]

P.O. TONNA:

I think I'm next on the list, and then Legislator Haley. Just a couple of things. And, Steve, I thought you were quite eloquent about talking about the difference between not-for-profit groups like Apple, and, you know, these basically -- I mean, I'll use the words, because I don't have a lawsuit yet, but fly-by-night, you know, groups that call themselves Sober Houses, when in actuality they're -- you know, they're preying on neighborhoods and I think that's very real. The problem I have is to go to the other side of the spectrum, which is forget about the not-for-profits, start with what they call Sober Houses and now go the gamut to somebody, four individuals, okay, I think the bill called for three, so -- or more, three individuals who are recovering alcoholics, who are receiving some assistance, who have decided to move back in home and live with their father. That's constituted a sober house.

LEG. FISHER:

No, it's not.

P.O. TONNA:

No. Listen to me. Right now, the way that this would work, okay, is that would be, and if I'm not -- if I'm mistaken, then my objections to the bill, you know, would evaporate immediately. I'm not worried about the nonprofit organization as doing it professionally, I'm worrying about the few, not the 20, or the 30, or the 40, but I'm worrying about the three people who are trying to recover, who are living with a relative, or whatever else, and who are in a neighborhood now and, you know, who are not preying upon, you know, the neighborhood, they're trying to live their life, recover, and do everything else that they can, they will now be constituted with this bill to be a sober house. And, therefore, you know, I think that, honestly, that's unfair to those people.

Now, if there is a way of cleaning up that language on the other side of the spectrum, where people who are, you know, not preying on the neighborhood of 30 people, 20 people, or whatever you're talking about, and that's why I asked the sponsor, I think anything four and more, you know, four or five adults living in a home, maybe you can put in a provision that says, you know, there has to be -- you know, the house where people live doesn't have to be owned by the person that would help to make sure that they define it as a sober house. In other words, there's not ownership of the person who's running the sober house, or whatever else. There has to be something that protects the few people who are getting together, you know, who happen to live with each other two, three people who are living in the same home. There's a big difference between that and I think what's preying on our community, which is Sober Houses. So, yes, you've covered the one side of the spectrum, but I don't think this bill covers the other side, and that's the problem.

The second problem that I have is it talks a lot about municipalities, and I think basically village versus town, or village or town municipality. I just would ask the sponsor, Fred --

00076

LEG. TOWLE:

I'm coming.

P.O. TONNA:

Have you had any conversations? Because I've heard a lot of residents come and speak, and rightly so, I'm sure their neighborhoods have been preyed upon, but I haven't heard anybody from a municipality yet come, give a letter, say this is what they want in their neighborhood, you know, what they want in their town or their village. My two concerns are, one, the two or three people who are living in a home together now get categorized as a sober home, when, you know, there is no need to categorize them as a sober home, they might be living with their father for all they know, verse -- and the second issue is that there's no -- I haven't heard anything yet, not in the committee and definitely not here, from the standpoint of municipalities dealing with this issue. So, you know, since municipalities, the local town or village, has a big part to play in this, I'd be interested in finding out what they say.

LEG. TOWLE:

Well, first of all, I'm not going to speak for all ten towns and all the villages throughout Suffolk County. But the reality is that this bill has been -- this bill has been covered pretty extensively by the

media at this point, it's been covered pretty extensively by the community. People have sent us numerous letters and made numerous telephone calls. And the reason that the folks are here from every Legislative district or a good smattering of the County of Suffolk County, is the fact that the federal, state, and in some instances, local governments have failed these people. That's why this problem is happening, that's why these people's quality of life is being affected. I mean, you know, we heard testimony in the committee, yourself included, from the Commissioner of Social Services saying there is absolutely no regulation being done of these types of facilities. And nobody's against Apple, nobody's against Seafield, nobody's against any of the other reputable groups within Suffolk County. We're against people that are exploiting people at their worst time in life. We're against people coming in and going into low economic communities where they can get a deal on a piece of property and make a lot of money off the backs of other people.

P.O. TONNA:

I agree.

LEG. TOWLE:

That's what this bill is looking to target, those people. It's not looking to put people out on the street, it's not looking not to provide people with services, and quite honestly, you know, it's a step in the right direction. No matter how small or large the step is, depending on your perspective, it brings the issue to the forefront, where, clearly, now it's on the back burner.

P.O. TONNA:

Fred, just -- okay. But the answer is that you haven't had any municipalities come and -- I mean, you hear a lot of people, but I haven't seen a letter from a Town Supervisor, I haven't seen a letter from a village, I haven't seen any of those. But, more importantly,

00077

from my standpoint is the situation where, now, are we going to -- and, Legislator Levy, I'd ask you this, I'd ask Legislator Foley, I'd ask Legislator Bishop, are you prepared to advocate for people who -- three people living in a home with their father, or, you know, a couple of people living with their uncle, or whatever else, do you want to go out and advocate the local municipality to make sure that they get categorized as a sober house and that they have to now go and be certified; is that what you want to do? Because, if not, I think the sponsor of this bill can fix it and that's why it's still in committee.

LEG. TOWLE:

Move it to four. So now, if a father --

P.O. TONNA:

Well, no. I think there --

LEG. TOWLE:

Now, if a father brings in four relatives, that would be acceptable under your compromise.

P.O. TONNA:

No, Fred. Fred, you know exactly -- you know exactly my concerns. I don't know how. I'm sure if you put this together and you sit down with Legal Counsel and find out how to deal with that perspective, this bill will pass. Okay?

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

It might pass now. I don't know that, you know.

LEG. CARPENTER:

Can I respond to that?

LEG. HALEY:

No.

P.O. TONNA:

But I just think that's a concern. Everything will be categorized as a sober house, and that's ridiculous.

LEG. HALEY:

No. I'm next.

LEG. CARPENTER:

Can I just respond to that one question?

LEG. HALEY:

I'm next. No, I'm not yielding.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

Yeah, sure. I have the floor.

00078

LEG. CRECCA:

I have a question for -- I have a question for you also.

P.O. TONNA:

So, you know, she has a question to me and then Legislator Haley.

LEG. CARPENTER:

On the very first page, where it lists definitions, it says that this would mean a residential facility providing temporary housing for at least three individual alcoholics or substance abusers.

P.O. TONNA:

What's that?

LEG. CARPENTER:

So -- but --

LEG. LEVY:

Temporary.

LEG. CARPENTER:

Temporary and --

P.O. TONNA:

What's that?

LEG. CARPENTER:

-- residential facility. I would think that it would be --

LEG. LEVY:

It's not a home.

LEG. CARPENTER:

It's not someone's home. When you're saying that someone's living with their family --

P.O. TONNA:

It's a residential --

LEG. CARPENTER:

That would automatically --

P.O. TONNA:

It's a residential facilities. That's another way for a home.

LEG. CARPENTER:

But that's not a home.

P.O. TONNA:

Give me a break.

LEG. CARPENTER:

No, no. I think that -- well, I would Counsel --

00079

P.O. TONNA:

Come on.

LEG. CARPENTER:

-- to respond to that.

P.O. TONNA:

You know that -- you know that anybody -- listen.

LEG. CARPENTER:

Ask Counsel to respond to that --

P.O. TONNA:

Fine.

LEG. CARPENTER:

-- because he wrote the definition.

P.O. TONNA:

You know what, that's a good question. Can I -- maybe, Paul, I think Legislator Carpenter asked -- and I'm telling you right now, if you tell me that homes are protected, that that's not -- that can't be categorized, that somebody can't say -- a town or municipality can't say, "Yeah, we want to enforce that," tell me how the person with three people living in a home --

LEG. HALEY:

Then it's a zoning issue.

P.O. TONNA:

Okay. Tell me they're not --

LEG. HALEY:

Then it becomes a zoning issue.

P.O. TONNA:

Tell me that they don't fall under this law. If you tell me with absolute certitude that the way that this was drafted, that it's not, then you might even have me as a vote. But if you don't, then be prepared to get every single person who has an alcoholic in the family, or three of them in the family living in the thing is now going to be categorized as a sober home. It's easy to fix. It's easy to fix, that's why you make laws. It's easy to fix. Is that true, Paul?

MR. SABATINO:

Well, temporary housing is the key phrase. Admittedly, temporary housing wasn't further defined, because at the time it was drafted, temporary housing seemed to be clear that it wasn't someone whose permanent abode or residence, or permanent domicile, you know, would be covered. So, you know, given the discussion tonight, I mean, I can see the point of maybe trying to further define temporary housing. But in the absence of this discussion, I mean, temporary housing is normally not associated with a family whose permanent domicile or residence is the place that they live in.

00080

P.O. TONNA:

Somebody moves in. Paul.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

Paul, I just -- you know, all I can say is that I know of -- I can think of many situations where family members who are living somewhere else have a drug or an alcohol problem, who now come back to live with their family, who whatever else, you know, need some -- and it's temporary, they're on to get their feet on the -- you know, on the ground. You now, there are a thousand different issues like that. All I'm asking you to do is tell me are those people protected under this where they are not going to fall prey, and those homes, whatever you want to call, are not going to be subject to being called Sober Houses

MR. SABATINO:

Let me say this. Under the ordinary rules of construction, yes, they're going to be protected. But I will tell you right now, the last time I researched the issue of, you know, what constitutes a permanent residence or a permanent domicile, there are literally 400 cases that have been decided where the courts have been forced to interpret the facts and the circumstances of each and every situation regarding whether or not a person, a family, a husband, a wife, whatever the situation might be, was living in a temporary facility or a permanent facility. That's why at the time that the bill was being drafted, the notion of trying to define temporary housing really -- you know, really escaped the process, because there's 400 cases out there and every -- you know, every one of those cases really hinges on the facts and the circumstances. But there's a general understanding that a temporary facility is not a family domicile than their normal permanent abode. But are there cases out there that have tortured this interpretation and discussion? Yes, there are literally 400 cases. So I can't tell you with absolute certainty, I can just tell you that --

P.O. TONNA:

Right.

MR. SABATINO:

-- with the ordinary rules of construction, it shouldn't be a problem.

P.O. TONNA:

Well, my concern, my concern with the sponsor and why I went -- when we played the numbers game, the sponsor and I went back and fourth and I said, "Come up with the number four." The only reason why I came up with the number four is because the chances of four people living in a house -- you know, I tried to come up with something where you'd say you don't prey on a community, and on the other hand, you know, you can clean up the places with 20, 10, 15 people. That was my concern, to protect that. If we can define something, I don't care if it's two people, then, or one person living, as long as it protects people who are living in a situation where it's not really a sober home, where it's not the people that Legislator Levy or Legislator, you know, Foley have described. If we can do something to protect that, then all right. And that's why it's still in committee. The only reason why

00081

it's not -- it wasn't defeated in committee, it was tabled in committee, so that the sponsor would work on that issue and a couple of other issues that other Legislators in that committee had, and that's where it should be, it should be in committee, finishing up the process of having that narrowly defined, or whatever else, so that this bill

can pass. There's nothing wrong with the concept. Legislator Towle has worked very hard on it. I give him all the respect that's due. I just say tighten up the bill. Once you tighten it up, that's what we have the committee system for, tighten up the bill and get it over with.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. CRECCA:

Mr. Chairman. No. I think Mr. Haley's --

P.O. TONNA:

We have a list. I'm sorry.

LEG. CRECCA:

Legislator Haley's next.

P.O. TONNA:

Legislator Haley's next.

LEG. FOLEY:

Put me on, Paul.

P.O. TONNA:

Legislator Alden, Carpenter, D'Andre and then Foley.

LEG. FOLEY:

I have a question for you. Can I ask you a question?

LEG. TOWLE:

On the discharge.

LEG. CARACAPPA:

On the discharge.

P.O. TONNA:

No.

LEG. HALEY:

No. Come on.

P.O. TONNA:

You could ask me later.

LEG. HALEY:

You could wait.

00082

P.O. TONNA:

Legislator Haley has it.

LEG. HALEY:

I hate to say this, with all due respect to the sponsor, but this entire thing is moot, because it's doomed for failure for quite a number of reasons. And I think about the down side and what could happen if I, all of a sudden, wanted to put three individuals in what we presently are defining as a sober house. But I'll tell you right now, in absence of being able to establish who happens to be an alcohol or substance abuser, that definition in and of itself is going to make it very difficult, because tomorrow, I could bring them in with some other name other than alcohol or substance abuse and still house them. So we got to find a way around that particular issue. Secondly, when I look at the end of Section 3, when they talk about -- it says -- first of all, I guess there's a typo, because at the end of Section 3, Subparagraph 3, it says, "A facility shall not be occupied by no more than six individuals." I imagine that's a double negative.

I think there's a problem there. But if you have a facility -- excuse me, I listened to everyone else.

LEG. FOLEY:

Order, Mr. Chairman.

LEG. HALEY:

I think the problem you have with the restriction of six individuals or less, you have a requirement that it shall have at least one trained social worker living on site 24 hours a day, you've effectively put them out of business. Because anybody's who's going to try to house three, four, or five people and try to have a social worker on 24 hours a day, you're basically putting them all out of business, and that's what the attempt of this legislation is, is to actually prevent them.

Okay? (Applause from Member of the Audience) Thank you.

All right. The other problem, the major problem with this -- excuse me, sir. You don't have an opportunity to speak now, you had the opportunity earlier.

P.O. TONNA:

If you keep on talking when someone -- I'm going to ask the sheriff to escort you out until you can behave yourself. Thank you. Legislator Haley.

LEG. D'ANDRE:

Wow, that's tough talk.

LEG. HALEY:

Excuse me. Would you like to repeat that?

AUDIENCE MEMBER:

I said thank you.

P.O. TONNA:

No, no, no. Legislator Haley. Thank you.

00083

LEG. HALEY:

Second and major problem here is the assumption that the municipalities are going to participate. In absence of that, the whole thing is going to fail as well. And I think that I -- I'm willing to support Fred Towle and his -- this legislation at a future date when we address those issues regarding the municipality's consideration and whether or not they may or may not want to. I think they have a right to pass judgment on whether or not this affects their zoning. And I think that we should also make sure that we want Sober Houses to exist and we want to be able to control it in such a way that it isn't devastating for a community. But under the present definitions, with the requirement of social worker 24 hours a day, with no less than -- no more than six people, and without sufficient definition of who is or isn't an alcohol or substance abuser, I think the whole thing is doomed for failure.

P.O. TONNA:

Thank you very much, Legislator Haley. Legislator Carpenter. Do you want to wait, Legislator Carpenter? I caught you in between.

LEG. CARPENTER:

I'll wait.

P.O. TONNA:

Okay.

LEG. BISHOP:

Why don't we vote on the discharge?

P.O. TONNA:

What?

LEG. POSTAL:

This is to discharge.

LEG. BISHOP:

Mr. Chairman, yeah, why don't we vote on the discharge?

P.O. TONNA:

I understand that. There are people -- there are people on the list.

Legislator D'Andre, and then I'll go back to Legislator Carpenter.

LEG. ALDEN:

What happened to Alden?

P.O. TONNA:

Alden's after --

LEG. BISHOP:

Wait your time until after the discharge.

LEG. D'ANDRE:

No. I'm going to give my opinion now. I'm going to support this legislation. Give them some hope that they've got some legislation to protect these people. It may not be perfect, but it's better than what they have now. Thank you.

00084

P.O. TONNA:

Legislator Alden, then Legislator Carpenter. Unfortunately, I read the list wrong, sorry. Legislator Alden.

LEG. ALDEN:

I have a couple of things I'd like to go, you know, like almost step by step on this. As far as under Section 2, the definitions, D, I'd like to just ask Fred, the sponsor, what was your intention, now, when you're defining a substance abuse house, providing temporary housing for at least three individuals?

LEG. TOWLE:

Just cite the section again, Legislator Alden.

LEG. ALDEN:

I'm sorry. What Fred?

LEG. TOWLE:

Just cite the section again, I couldn't hear you.

LEG. ALDEN:

It's Section 2, Definitions, D.

LEG. TOWLE:

"Substance abuse house shall mean a residential facility providing temporary housing for at least three individual alcoholics or substance abusers," is that section you're talking about, under Definition?

LEG. ALDEN:

Now, I'm sure you took into consideration that there are, as Paul Sabatino pointed out, there's a lot of legal definitions as far as what a permanent housing -- what constitutes permanent housing, what constitutes -- a lot of it is intent, the intent on the person, where they want to make their home and where they don't want to make their home. And if it's permanent in basis or if it's transient, your legislative intent is strictly what?

LEG. TOWLE:

Transient, temporary. The word says right there private and temporary housing for at least three individuals, alcoholics or substance abusers.

LEG. ALDEN:

Okay. So then this would be somebody that for some -- and I don't really know what way to phrase this, but somebody that's had a problem with alcohol and has been referred to these people by who?

LEG. TOWLE:

Well, they could have been referred, they could have sought them out on their own, they could have talked to somebody else who has a problem and say that I was at this blah, blah, blah facility at this location, you know, and received assistance or treatment. I mean, how they get there I couldn't begin to tell you. But the reality is that they are popping up all over Suffolk County. It's not unique just to, you know, the Third District of Suffolk County, it's a common problem, it's been a common problem for a lengthy period of time, and I would be amazed if

00085

we found a district that didn't have it in there now, with the exception of Legislator Galdi's district, of course.

LEG. ALDEN:

I wasn't in the committee, so, you know --

LEG. TOWLE:

Because nobody could afford to buy housing in that district.

LEG. ALDEN:

You know, I need a little latitude here. The funding, the people bring their own individual funding; is that correct or not, incorrect?

LEG. TOWLE:

Some do. Some bring State, you know, funding, some bring federal --

LEG. ALDEN:

If there's State funding involved, then there's State regulation.

LEG. TOWLE:

Correct. There's supposed to be.

LEG. FOLEY:

There's supposed to be.

LEG. TOWLE:

Supposed to be, but that's not there either. And if it's federal funding, it's supposed to be federally regulated, but it's not either, or policed, if you will.

LEG. ALDEN:

And we can't take care of anything that's --

LEG. TOWLE:

No, unfortunately, you can't.

LEG. ALDEN:

-- federal or state in nature, so if --

LEG. TOWLE:

Correct.

LEG. ALDEN:

If that's the type of funding, this --

LEG. TOWLE:

This would be private funding or individual funding, or however they come up with their funding.

LEG. ALDEN:

So individual buy Social Security, something along -- like SSI or SSD, something like that?

LEG. TOWLE:

Correct.

00086

LEG. ALDEN:

Okay. All right. So I'd think the strength in your bill is that it says temporary, but it's also a weakness, because anybody can get around it by just saying, you know, "My intent is to live here, you know, for the rest of my life." And so it shows that -- you understand, it's a dual --

LEG. TOWLE:

But, obviously, if these people are seeking assistance and they're being treated, they're not going to be a permanent residents at this location, you know, they're going in there for treatment --

LEG. ALDEN:

Well --

LEG. TOWLE:

Or under that guise, if you will.

LEG. ALDEN:

No. But Legislator Tonna brought up, you know, and it's more than a valid point, you don't want somebody like a mother, or father, or a grandfather, or other relative, where just out of the goodness of his heart takes in relatives or friends that are going through a bad time. You don't want them to be regulated. They really shouldn't even be coming under this.

LEG. TOWLE:

Clearly, nobody's trying to regulate someone's family and what they do for them.

P.O. TONNA:

Just tighten up the language.

LEG. ALDEN:

All right. Then I have -- I still have a big problem with all of Section 3, because it does not specifically state in here that it's optional. And it's been -- other Legislators have stated that. Earlier, Paul Sabatino did state that it's optional. Paul, is it -- I'm sorry. Paul, is that binding, that we are not -- that we cannot be challenged under that type of a challenge, that this is not an optional procedure for the municipalities to follow?

LEG. FOLEY:

What section are you looking at?

LEG. ALDEN:

All of Section 3.

MR. SABATINO:

Well, I'm not -- you're asking whether or not it could be challenged because it is optional?

LEG. ALDEN:

Well, because it doesn't state in here that it's optional.

00087

MR. SABATINO:

Well, what it -- okay. What it says in the first instance is that, you know, if the sponsoring agency intends to establish a substance abuse house within a municipality, it may -- you know, the operative word is it may notify the Chief Executive Officer. So by definition, it's permissive at the threshold as opposed to it being the imposition of a requirement. When you move further down the process, when you get beyond the intention to establish, then you get into the actual

selection of a site, then it is asking for the opportunity for the towns or the villages to have input. But, again, the town or the village can't impose an alternative site, because I don't believe that the authority exists for us to impose that requirement. And then the last category of where it makes it permissive is when it comes down to, if they get into a gridlock situation, either party, it says, may petition the Department of Social Services to try to hold a hearing and have a determination. So I think because -- because of those three concepts, you know, I view it as being not a mandate that's being imposed on the municipality.

LEG. ALDEN:

Fred, as sponsor of the bill, it's -- your intention was optional?

LEG. TOWLE:

Never to mandate another level of government. I wouldn't like it done to us no more than done to somebody else.

LEG. ALDEN:

All right. And there was a discussion before that I didn't really follow too well. I was listening, Legislator Haley, but, you know, I didn't follow it. The sober house zoning and the boarding house zoning, boarding house is definitely regulated by municipalities. A sober house zoning, because I heard this statement before, that, you know, you could put 20 people in the house and, you know, like -- and actually kick it up to a boarding house type of operation. And if you call it a sober house, it's not -- it's not regulated. Where is the fact in that in what case law?

LEG. LEVY:

Well, what -- I think I had mentioned that, Cameron, and what they do is they try to use the Americans with Disabilities Act and Fair Housing Act to say, "Oh, I'm not a boarding housing, I am a sober house, and because the individuals in my house are alcoholics, you guys in the Town, you can't touch us, you can't regulate us as you would with a boarding house. We're not a boarding house, we're a sober house, so we should be allowed to house all these people in this one facility."

LEG. ALDEN:

So it's trying to catch a loophole. Because there's common law as far as what constitutes a family and what constitutes boarding house, what constitutes, you know, even zoning powers under -- given under the Constitution. So they're trying to use a loophole. All right. And it's your intention to close that loophole by requiring Suffolk County to license these facilities.

LEG. TOWLE:

Correct, Legislator Alden, as well as trying to bring the issue ahead

00088

as far as the lack of policing done by the federal and state government on this issue. And, obviously, needless to say, since we've debated this for over an hour now, you know, which I think is important and I have no problem with that, hopefully, we'll discharge it and then not debate it for another hour when we get back to the bill again.

LEG. HALEY:

Oh, yeah, spend the night.

LEG. TOWLE:

Well, you have no place to go, Legislator Haley.

D.P.O. LEVY:

Okay. We have --

LEG. ALDEN:

I'm done. Legislator Carpenter was next.

D.P.O. LEVY:

Actually, I think I had Legislator Cooper on the list next. We --

LEG. ALDEN:

Legislator Tonna, or Presiding Officer Tonna got the list all fouled up.

LEG. FIELDS:

Wait. We have another list here.

LEG. ALDEN:

Not to criticize our Presiding Officer, but --

D.P.O. LEVY:

Well, okay. Yeah, yours was just a question in between. All right.

Then we'll have --

P.O. TONNA:

Wait. Where --

D.P.O. LEVY:

All right. I don't know. Did you have Legislator Carpenter on your list?

P.O. TONNA:

Yes.

D.P.O. LEVY:

Okay.

P.O. TONNA:

Legislator Carpenter is next.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Sorry. I'm right there. I was waiting. Big Brother was listening.

00089

LEG. CARPENTER:

I know, because he wanted to hear what I had to say, because I was going to address his concern about the poor innocent family that took, you know, some family members in. In addition to the fact that it said residential facility, if that doesn't satisfy your concern, I think the paragraph that Counsel just cited about sponsoring agency and the intention to establish a substance abuse house, I don't think that anyone taking in a family member or two or three because they're in bad times and they're having a problem with substance abuse or alcohol and they take them into help them out is now establishing a substance abuse house, and I think that would be the case where it could be able to address your concerns.

P.O. TONNA:

Okay. I'm going to tell you, I know that the sponsor of the bill doesn't think I'm being genuine here. Really, all I care about --

LEG. CARPENTER:

No. And I really feel that you are being genuine, but I think that that would address it.

P.O. TONNA:

You know, all I care about -- I think they're a huge problem, Sober Houses. I think there's a huge problem with these things.

LEG. CARPENTER:

Because the family would have to say, "Oh, now that we've got these family members in here, we've decided we want to apply and be a substance abuse house" --

P.O. TONNA:

Paul. And I'll --

LEG. CARPENTER:

-- and I don't think that would be the case.

P.O. TONNA:

Can I ask, just to follow up with your question?

LEG. CARPENTER:

All right, as long as I can continue.

P.O. TONNA:

Yeah.

LEG. CARPENTER:

But, yeah, go ahead.

P.O. TONNA:

Legal Counsel, just Legislator Carpenter makes a good point about the sponsoring agency, does that do the trick? I mean, all I want to make sure is that a town and municipality can't go on a witch hunt and pick, you know, people who are trying to do this thing in a private, personal way with -- you know, get sanctions and say, "Now, you constitute a sober house." That's the only thing that I'm trying to protect here,

00090

and I'm wondering if this legislation is tight enough to make sure that those people aren't going to be -- those people who are trying to do something are going to be preyed upon.

MR. SABATINO:

The sentence that Legislator Carpenter referred to is, you know, further evidence of the legislation not contemplating covering families that are using their own facility, which is a permanent domicile or abode. But, again, I would just, as I said before, you know, caution you that the courts -- the cases hinge on the oddest of things. I mean, one of the cases I looked at at the time, a person's permanent abode and domicile as established by the fact that she used a credit card in Suffolk County to pay for veterinarian services and went to church on Sunday in Suffolk County, even though her true permanent abode appeared to be a house in Upstate, New York. So, I mean, the cases hinge on things as odd as that. That's a real case, that's not a make believe case. So, you know, I can tell you what a reasonable, you know, ordinary construction and understanding is when you read those sentences together. But I'm not going to tell you with absolute certainty because of the cases that I've personally read. I mean, I read all of those cases I described before, and you get specific facts and circumstances that are very unusual and you get an interpretation or a decision that goes the other way. So I just can't tell you with the absolute certainty that you're looking for.

P.O. TONNA:

Well, can you -- can you propose language that would clarify all of that and make it absolutely certain?

MR. SABATINO:

It could be made better. Could it be made perfect? No. Could it be made better? Yes. Perfect? No.

P.O. TONNA:

Okay. I mean, is there a clause that just says that we're not -- this bill does not contemplate, you know, people who are living in a, you know, whatever, and define those things?

MR. SABATINO:

Yeah. I mean, given the fact -- I mean, given the fact that this discussion has emerged tonight for the first time with regard to, you know, this language, which I really thought wasn't problematic, you know, if there was a desire to get a higher comfort level, yeah, additional language could be put in. You know, one of the problems, too, was that, you know, the bill shifted back and forth. At one point, that particular provision dealt with six, you know, individuals, which seemed to also point, you know, coupled with the temporary language, to it clearly not being a household situation. When it was modified back to three after one of those committee meetings, you know, it kind of changed the dynamics.

P.O. TONNA:

That's not how it was.

MR. SABATINO:

So the answer is, yes, you could have better language, but --

00091

P.O. TONNA:

No. The six was always there, Paul. The three -- it went from zero to three. No, you're wrong about that. The six --

MR. SABATINO:

No. I think it went from six to three that's my recollection.

P.O. TONNA:

No. It went from zero to three. At the beginning, it didn't make any definition of how many people were there. The six was with regard to -- the six is still there. The six is the maximum. That never changed. It went from zero to three. I asked the sponsor to make it zero to four. To tell you the truth, three, even one, as long as it was the other thing, that's how I remember it, and I bet you the sponsor would even bear me out on that issue. Yep, that's a nod. For the record, that's a nod yes.

LEG. TOWLE:

The mike's not working. For some reason, it went out.

P.O. TONNA:

Okay. Legislator Carpenter had the floor. Thank you for my indulgence.

LEG. CARPENTER:

I will defer until the debate, since we're just talking about discharging.

P.O. TONNA:

Right. Okay. Legislator Foley.

LEG. FOLEY:

Yes.

P.O. TONNA:

And then Legislator Cooper.

LEG. FOLEY:

Question for the sponsor of the bill. Getting back to the intent of the bill, was it ever -- considering what the Presiding Officer has mentioned about his concerns with families that need to bring in their loved ones who may have either a substance abuse problem or an alcohol

problem, was it ever your intent to prohibit families from bringing their members together to try to help family members, was that ever your intent?

LEG. TOWLE:

No.

LEG. FOLEY:

It never was.

LEG. TOWLE:

Never, nor would it ever be.

00092

LEG. FOLEY:

Thank you. He didn't hear the answer.

LEG. TOWLE:

I can't give a simpler answer than that.

LEG. FOLEY:

Okay. Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

The question, since you were talking to Counsel, I had asked the sponsor was it ever his intent or is it the intent of the legislation to prevent families from bringing their loved ones in to try and help them with whatever kind of substance abuse problem that they have, which is a good question that you raised. And the answer from the sponsor of the bill was this bill in no way, shape, or form, manner was ever intended to prohibit families from doing that. And I would go one step further, that -- and you raise a very good question, that if, if this is approved today, which I hope it is and will be signed by the County Executive, if in the future the scenario that you had given us does come to pass, which I would very much doubt, but even if it does, we can do as we've done with a number of other pieces of legislation, is to revisit that particular area of the -- let me finish, please, let me finish. We revisit that particular area to make maybe some kind of modification. However, we've heard it from the sponsor that that was never --

P.O. TONNA:

Who cares what the sponsor says?

LEG. FOLEY:

That was -- let me finish.

P.O. TONNA:

It's what the sponsor wrote in the law.

LEG. FOLEY:

That was never --

P.O. TONNA:

It's what the law we pass --

LEG. FOLEY:

It was never the intent of the legislation.

LEG. TOWLE:

Who cares what I say?

LEG. FOLEY:

And I highly doubt that that kind of situation would arise where you'd have an over -- I have never seen an over-zealous township coming from particularly my town, an over-zealous township that tries to ambitiously

enforce town housing codes.

00093

P.O. TONNA:

Are you kidding? They're going to make it a sand mine or something. What, are you kidding me, in your town?

LEG. FOLEY:

That's what I'm saying, they're very lax.

P.O. TONNA:

Get out of here. All right. Legislator Cooper.

LEG. COOPER:

I had a question for the sponsor. I believe.

LEG. TOWLE:

Questions after 11:00 are charged; all right?

P.O. TONNA:

Go ahead, Legislator Cooper. I'm sorry.

LEG. COOPER:

I really believe that the Chairman's concerns in his eyes are legitimate and it may well be in some instances. Would you be willing to revise Section 2 of the resolution to make it clear that the definition of a residential facility -- residential facility would not be considered a sober house if the owner of the house was related to one or more of the residents?

LEG. TOWLE:

You know, I think the question you get into there, Legislator Cooper, is I could sit here and go around the horseshoe tonight, and I'm not trying to give you a ridiculous answer, but have every person read all nine pages of this bill and give me a version of how they believe each paragraph should read. The bill has been kicking around now for going on almost three months. I attempted to accommodate as many of the suggestions that I agreed with personally and that the residents agreed with. You know, the question becomes, clearly, we're not looking to target people's families. I mean, that's not what this is all --

LEG. COOPER:

But then why not make it clear in the bill? We just make that one little revision --

LEG. TOWLE:

Well, I think the bill -- I think the bill is clear, though.

LEG. FOLEY:

It's assumed. It's assumed.

LEG. TOWLE:

I think the bill is clear, you know, and that's the problem. My version of what is clear and the Chairman's version of what is clear is two different things, you know, and that's what it comes down to. And I've imagined if I were to go around the horseshoe, and I'm not trying to give you -- not give you an answer to your question, I'm trying to be honest, I think, honestly, I've attempted to work the bill so that

00094

it works for everybody here. But, at some point, as the old story goes, you need to cut bait and run, and that's really what it comes down to.

I mean, the bill is still languishing in committee, I cannot get it out of committee, that's why I'm attempting to do the discharge. I'm attempting to work with people on the bill and I've modified the bill. As I said, do I think the bill is absolutely perfect and it is the

absolute law that is going to solve every problem in every community? No, I don't think that. But I do think it's going to address a lot of the problems, it's going to be a step in the right direction and we can build upon this. You don't start building a house by putting the roof on first, you build the foundation, and that's really what it comes down to. This will be the foundation. This County is going to take a step in trying to make sure our communities are in better shapes than they are, and that when people open these types of facilities, those that don't have good intentions like an Apple, or like, you know, some of the other facilities that have been mentioned today, that we do try to regulate those that are not receiving federal and state funding. And I think the bill points to two or three sections where it talks about -- I don't want to use the words not targeting families, but targeting these types of businesses, that's what we're looking to target.

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

Legislator Cooper.

LEG. COOPER:

If we did add the language I'm talking about, would that placate your concerns?

P.O. TONNA:

Yeah, for me that placates -- that covers my concern. My only concern, I think that sober houses that Legislator Levy described, that Legislator Towle clearly intends, should be regulated. Six is tough.

LEG. COOPER:

Legislator Towle, I --

P.O. TONNA:

A full-time social worker for six, you're not going to have any sober houses anymore, but that's not my problem, that's the sponsor's problem.

LEG. COOPER:

I can tell you, Fred, that it --

P.O. TONNA:

But I just want to make sure that homes who are trying to -- trying to take care of a few people, or whatever else, those are not witch-hunted out of a neighborhood, because maybe they don't mow their lawn the right way, or maybe there's another agenda, and that's the concern that I have.

00095

LEG. COOPER:

Fred, I really want to see this bill pass, because it's a serious problem. I've spoken to your constituents and it's heart -- their concerns are heartfelt. It's a terrible situation. If this existed in my district, I would be as outraged as you are. And I really think if you make this one minor modification, the bill would get out of committee immediately. I'll support it, the Chairman had said that he would support it. It doesn't hurt, it doesn't weaken the bill in any way, and it may pass unanimously. So I don't know why we don't continue to, instead of arguing about this for another couple of hours, send it back to committee, make this one little change and we'll pass it.

LEG. TOWLE:

Well, we wouldn't be -- Legislator Cooper, just to suffer an interruption, we wouldn't be sending it back to committee, it's in committee now. If I were to amend the bill now, that would prevent me from discharging the bill and voting on it tonight, unless we had a CN. And we've been struggling to get a CN to provide enough funding for helicopters, no less this issue.

P.O. TONNA:

Fred.

LEG. COOPER:

Right. So we'll wait --

P.O. TONNA:

Fred, I give you my word --

LEG. COOPER:

We'll wait two or three weeks.

P.O. TONNA:

-- as Committee Chairperson, I've said it a thousand times. You amend the bill to take care of that issue, I'm with you

LEG. TOWLE:

I think the bill does, though, Legislator Tonna, I honestly do.

P.O. TONNA:

Well, I don't and that's why I'm not voting for it okay. Okay.

Legislator Binder, you're next and, hopefully, last.

LEG. BINDER:

Just a comment on the requests for change in language. My concern with changes in language is that you'd be rising to a level of specificity in the bill that might exclude other things. When -- in statutory construction, when you -- I don't know if Counsel wants to comment on it, but my concerns is, when you're specifically excluding something and saying, "It's not our intent to do this," the problem is that you haven't excluded other situations that we have not collectively sat down and thought about that might be others, and it might target it most -- too heavily into the one thing that you've excluded. So while I understand what you're trying to do with the language, I think what you've done is you've accomplished it through the debate that happened

00096

here tonight, because the discussion makes it clear that members of this Legislature have no intent and give no credence to any interpretation of this bill that would cover the types of houses that you're talking about with the type of gathering of people in a house that you're concerned about. I think the -- I think the debate is clear, so if this were to go to litigation, it is clear that it wasn't the intent, it's not the Legislative intent. There's not a Legislator here that wants that interpretation that you're concerned about to be the interpretation of the bill. If you were to put it in the bill specifically and you say what we're excluding, a specific thing that we're excluding, I am concerned that it's the -- then you start saying we're excluding this, what didn't you exclude now? And that is a problem that we're not going to sit here and figure out what else should be excluded.

P.O. TONNA:

Well, then don't pass the law until you figure out everything that you want to exclude. All I'm saying --

LEG. BINDER:

No. I think we're very --

P.O. TONNA:

Legislator Binder, I --

LEG. BINDER:

I think we've made it clear what our concern is.

P.O. TONNA:

Do you mean when there's a -- you think that the people are going to say, "Okay, now let's pull all the minutes and let's get -- let's get and let's decide what did Legislator Carpenter really intend, what did Legislator Towle really intend"?

LEG. BINDER:

When --

LEG. TOWLE:

I'll be around, they can call me.

LEG. BINDER:

Let's use -- let's use a familiar lawsuit like LIPA. When --

P.O. TONNA:

That's a large assumption, Legislator --

LEG. HALEY:

You had to bring that up.

LEG. CRECCA:

Let's not go into LIPA.

LEG. TOWLE:

No assumption at all, Legislator Tonna, it's a proven track record.

00097

LEG. BINDER:

If I have the floor. When there was a lawsuit on LIPA --

P.O. TONNA:

Legislator Binder has the floor. I'm sorry, Legislator Binder.

LEG. BINDER:

-- attorneys used Legislative history, not all the time, used Legislative history, the debates on the floor, debates in committee, to show what the intent of the Legislature was in determining the construction and what it hoped to be the interpretation. That's what will happen in court. I think it's pretty clear here the Legislative history and the interpretation.

P.O. TONNA:

Well, the volumes that are going to be on this issue for a discharge petition, this is amazing. This is -- Legislator Towle, I want you to know you've broken Legislative history. Anyway, okay.

LEG. BINDER:

So that's why I think it's a bad idea to start --

P.O. TONNA:

All right. All right.

LEG. BINDER:

-- singly excluding individual items.

LEG. HALEY:

Roll call.

LEG. CRECCA:

Roll call.

LEG. BINDER:

Because if you start listing them, you're missing some.

P.O. TONNA:

All right. Anybody else? No. Legislator Binder, you want to -- I'm sorry. You got to -- okay, let's call the vote. I think you're going to have enough to discharge.

LEG. LEVY:

Mr. Chairman.

P.O. TONNA:

I'm very disappointed, but --

LEG. LEVY:

Mr. Chairman.

LEG. FOLEY:

Mr. Chairman, we're missing some Legislators.

LEG. LEVY:

Mr. Chairman, while we're waiting for Legislators, Legislator Towle has
00098

something to add to it.

P.O. TONNA:

Okay. You have something to add, Legislator Towle?

LEG. TOWLE:

Yeah. You know, I'm hoping that we don't have to debate the bill, but just in case we do --

LEG. CRECCA:

I can't hear him.

LEG. TOWLE:

Just in case we do, look, this -- you know, just to restate on the record a couple of things, so you understand where I'm coming from. First of all, this was not an attempt to regulate people helping their families. This was also not an attempt to, you know, demand that some other level of government, whether it's town or anybody else, step into play, nor was it an attempt by us regarding the paragraph regarding placing a social worker at the site. I think that talks of our intent of not affecting families and not affecting, you know, people, you know, trying to assist loved ones or relatives. This bill clearly is trying to address a problem that is not unique to my district, that is in many of your districts tonight. I think we've amended it on more than one occasion, and I think I've attempted to come to some reasonable compromise. And I would ask for your support on an issue that I think is important throughout all of our communities.

LEG. HALEY:

Roll call.

P.O. TONNA:

Just the last thing. I want Legal Counsel to go on the record that I think he's going to admit that he made -- come on, I want to hear it.

MR. SABATINO:

I stand corrected on the comment about going from six to three. It did not go from six to three --

P.O. TONNA:

Thank you.

MR. SABATINO:

-- it went from zero to three.

P.O. TONNA:

I want those minutes. I would like those minutes put --

MR. SABATINO:

That was a nice Saint John's Law as to Gonzaga, that's why I forgot.

LEG. TOWLE:

Framed, framed.

P.O. TONNA:

You know, I want those minutes, I want that recorded, and I want to put
00099

that on a plaque for myself; okay?

LEG. HALEY:

Me, too, I want it framed.

P.O. TONNA:

Thank you very much.

LEG. LEVY:

Mr. Chairman.

LEG. TOWLE:

We'll use it at the Presiding Officer's discretion.

P.O. TONNA:

It's the only bill I read this year, so I'm in really good shape. Okay.

LEG. HALEY:

Roll call.

LEG. CARACAPPA:

Roll call, please.

LEG. LEVY:

Mr. Chairman, just before the roll call --

P.O. TONNA:

Yes.

LEG. LEVY:

-- just something has to be placed on the record. You had stated that the provision that relates to the social workers will put these places out of business. That is not the intent, nor will it necessarily have that result. There are many regulated facilities out there.

P.O. TONNA:

With six? With six people --

LEG. LEVY:

Yes.

P.O. TONNA:

-- for a full-time social worker?

LEG. LEVY:

Yes, yes.

P.O. TONNA:

Three --

LEG. LEVY:

Yes, homes for the mentally retarded that have -- that have --

P.O. TONNA:

That's a different funding source and a different thing.

00100

LEG. LEVY:

That have social workers, that have social workers on site.

P.O. TONNA:

Maybe social worker volunteers.

LEG. LEVY:

So it can -- it can happen. No, paid social workers.

P.O. TONNA:

Give me a break.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

Steve, we're in the business world, that is not true.

LEG. LEVY:

Oh, that is the real world.

P.O. TONNA:

Not for six people. Anyway --

LEG. LEVY:

That is exactly the real world.

P.O. TONNA:

That's okay, I don't care. I mean that's -- if that's the intent of the sponsor, that's fine.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

All right. Roll call.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes, to discharge.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes, so we can have a new debate.

00101

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes, to discharge.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes, to discharge.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes. Cosponsor.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. GULDI:

No.

[LEG. CARACCILOLO-NOT PRESENT]

LEG. LEVY:

Yes.

LEG. TONNA:

No.
LEG. COOPER:
Yes.
MR. BARTON:
14. (Not Present: Leg. Caracciolo)
P.O. TONNA:
Okay.
LEG. HALEY:
Mr. Chairman.
P.O. TONNA:
That's the discharge.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
It's got to age for an hour.

00102

LEG. HALEY:
Mr. Chairman.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. POSTAL:
I'd like to make a motion to discharge --
P.O. TONNA:
This is going to be the agenda of no agenda. Go ahead.
LEG. POSTAL:
Right. To discharge Introductory Resolution 1331-2000. It's been
distributed for the purpose of aging an hour.
LEG. BISHOP:
Second.
LEG. HALEY:
What is it again?
LEG. POSTAL:
Adopting a local law to extend County health benefits to domestic
partners.
LEG. GULDI:
Second.
LEG. COOPER:
Second.
LEG. HALEY:
Roll call.
LEG. CRECCA:
Roll call.
LEG. HALEY:
Roll call.
LEG. BINDER:
Mr. Chairman, just -- Mr. Chairman, parliamentary inquiry.
P.O. TONNA:
Okay. There's a parliamentary inquiry.
LEG. BINDER:
Just let me ask Counsel or --
P.O. TONNA:

This is the first of the year. I feel privileged. I knew it would
00103

come from you.

LEG. BINDER:

This takes 12 votes, since the hearing closed tonight, I assume.

MR. SABATINO:

1331, the hearing did, in fact, close today, so it takes 12 votes to discharge, but just a regular number of ten to approve.

LEG. BINDER:

Right.

P.O. TONNA:

Thank you. Okay.

LEG. HALEY:

Roll call.

LEG. CRECCA:

I would ask for a roll call on the motion.

LEG. BISHOP:

If the discharge fails, it goes to committee?

P.O. TONNA:

With ten votes, right?

LEG. LEVY:

It's already in committee.

MR. SABATINO:

It's already in committee. The bill was filed, it was laid on the table, the public hearing took place today. Legislator Binder is correct, the procedural motion requires 12 votes, but the vote on the merits would still be ten votes.

P.O. TONNA:

Okay. You still want to go through with this motion?

LEG. POSTAL:

Yeah.

P.O. TONNA:

Why not?

LEG. POSTAL:

I have nothing to lose.

P.O. TONNA:

Okay. Legislator Postal made a motion. Who seconded it?

LEG. BISHOP:

Me.

P.O. TONNA:

Legislator Bishop, is that an aye with that hand? Okay. Roll call.

00104

(*Roll Called by Mr. Barton*)

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes, to discharge. It's not enough.

00105

MR. BARTON:

10/8.

LEG. HALEY:

Mr. Chairman.

P.O. TONNA:

Okay, thank you.

LEG. HALEY:

Mr. Chairman.

LEG. LEVY:

Mr. Chairman, we have somebody out in the audience.

P.O. TONNA:

Wait. Legislator Haley has the -- and then Legislator Levy. Sorry.

Legislator Haley.

LEG. HALEY:

Excuse me, Mr. Chairman. I'm just asking for some privilege here, because last week, and it should be said, last time we met, I was very much concerned with what happened at the end of the meeting in some of the senseless resolutions that got through.

LEG. LEVY:

Senseless senses?

LEG. HALEY:

Senseless, senseless sense resolutions got through without I think appropriate debate and consideration, and, certainly, there's one in particular. And I would ask just as a privilege if somebody would vote with me to reconsider, because I'd like to take my vote, change my vote on Sense 41. That was the memorializing resolution requesting State of

New York to authorize safe havens for abandoned babies. I'd like to make a motion to reconsider, because I'd like to change my vote, if somebody would help me with that.

LEG. GULDI:

Second.

P.O. TONNA:

For a privilege of -- you know, as long as we're not going to get into a big debate, you know.

LEG. HALEY:

No. I just want to change my vote.

P.O. TONNA:

Just that you can have an opportunity to change your vote?

LEG. HALEY:

I just want to change my vote.

00106

P.O. TONNA:

Yeah. I'll make a motion to second that. All in favor? Opposed?

Fine. Go ahead

LEG. TOWLE:

Motion to approve.

LEG. CARACAPPA:

Make a motion to approve.

P.O. TONNA:

Motion to approve, Legislator D'Andre?

LEG. CARACAPPA:

Second.

LEG. D'ANDRE:

Of course.

P.O. TONNA:

Yes, I'll second.

LEG. D'ANDRE:

How can you deny babies?

P.O. TONNA:

I'll second the motion to approve.

LEG. D'ANDRE:

These guys are insane.

P.O. TONNA:

Okay. Roll call.

LEG. LEVY:

Do we need a roll call? We don't need a roll call.

P.O. TONNA:

All right. All in favor? Opposed?

LEG. HALEY:

Abstention.

P.O. TONNA:

Abstention.

LEG. GULDI:

My abstention stays.

P.O. TONNA:

And Legislator Guldi abstains.

LEG. BINDER:

I'm abstaining.

00107

P.O. TONNA:

Okay.

LEG. HALEY:

Thank you, Mr. Chairman.

P.O. TONNA:

There's three abstentions?

LEG. CRECCA:

Paul.

P.O. TONNA:

Fine.

LEG. CRECCA:

Paul, again, I'll do this quick.

MR. BARTON:

Sense -- there was also, as you know, as I discussed --

MR. BARTON:

Sense Resolution 41 is now 15 with three abstentions.

P.O. TONNA:

Okay.

MR. BARTON:

I will send it to the Delegation once again.

P.O. TONNA:

Thank you. Okay. Legislator Levy has the floor, and then Legislator Crecca. Don't worry, we'll get to it.

LEG. LEVY:

Is this on this bill, that bill that we were --

P.O. TONNA:

No.

LEG. CRECCA:

It's on the I.R. Bill that we did last time.

LEG. LEVY:

Oh, okay. I would -- I know Mr. Nolan is here and he's been waiting, and I'd just make a motion to take out of order 1266 from Ways and Means, which is a local law to restore full public financial disclosure of Suffolk County Ethics Reform, sponsored by Legislator Caracciolo.

LEG. CARACCIOLO:

Second.

LEG. HALEY:

A motion and a second to what, take it out of order?

00108

LEG. LEVY:

Take out of order for the purposes of Mr. Nolan --

LEG. HALEY:

Defeat? Sure.

LEG. LEVY:

-- who came to speak on the resolution.

P.O. TONNA:

We're not having any speakers right now, we're just voting on this.

LEG. LEVY:

No, no.

LEG. FOLEY:

He spoke already.

LEG. LEVY:

Just so that we can vote on it, so we could see what happens on it.

P.O. TONNA:
All right. Let's get this thing done.
P.O. TONNA:
Okay. You made a motion and a second. Who seconded it?
LEG. BISHOP:
Me.
P.O. TONNA:
Legislator Bishop. All in favor? Opposed?
LEG. BINDER:
Roll call.
P.O. TONNA:
All right.
LEG. BINDER:
Roll call.
P.O. TONNA:
Okay.
LEG. BISHOP:
Roll call on discharge?
P.O. TONNA:
No. Wait. That's just to discharge. We don't need a --
LEG. FOLEY:
No, no, no. Take out of order.
MR. BARTON:
Take it out of order.

00109

LEG. LEVY:
No, to take out of order.
LEG. FOLEY:
It's on the agenda.
P.O. TONNA:
I mean, to take out of order. I'm sorry. Take it out of order. You want a roll call for that? Okay. A Legislator requested a roll call.
Roll call on the discharge.
MR. BARTON:
On motion to take it out of order.
P.O. TONNA:
Taking it out of order, I know, I know, I know. You know what I mean.
LEG. TOWLE:
Hello. Just in case there's a lawsuit and they go through --
LEG. TOWLE:
Hello.
P.O. TONNA:
-- my minutes, I may as well get it right.
LEG. TOWLE:
Hello. Hello. Roll call. Hello.
P.O. TONNA:
Roll call
LEG. TOWLE:
I know you don't want to look over here, but hello.
P.O. TONNA:
No. I like looking over there. Go ahead.
LEG. TOWLE:
Just an explanation. I just want a clarification, an explanation.

P.O. TONNA:

On the bill?

LEG. TOWLE:

On the bill.

P.O. TONNA:

Legal Counsel, could we ask that and can we have -- it's going to be a long night.

MR. SABATINO:

Enactment of this legislation would restore the implementation of this law to the way it was prior to 1992, which is that the financial information in the financial disclosure forms would not be whited out

00110

if someone made a request to get the documents. The actual information would be disclosed.

LEG. CARACCILOLO:

Right now it's --

P.O. TONNA:

Thank you.

LEG. CARACCILOLO:

It's redacted right now on disclosure. This would remove all --

LEG. ALDEN:

On the motion.

P.O. TONNA:

Okay. Michael, can you -- we couldn't hear you, the microphone.

LEG. TOWLE:

Here you go. I'll help you. Can't vote for you, but I'll help you.

LEG. CARACCILOLO:

I think Legislator Towle now understands what the bill would accomplish. What it does is, presently, when there's a request for a disclosure, the individuals provided a copy of the financial disclosure statement, but all of the pertinent financial data is redacted. This would revert it back to its original intent, which would make all of that information public information.

P.O. TONNA:

Gross income, everything.

LEG. CARACCILOLO:

Everything.

P.O. TONNA:

Okay. I'm not voting for that. Anyway, okay. Let's -- there's a motion by Legislator Caracciolo.

LEG. BISHOP:

I want to know what stocks Caracciolo has, so I got to --

P.O. TONNA:

Wait.

MR. BARTON:

Legislator Levy.

P.O. TONNA:

There's a motion by Legislator Caracciolo?

MR. BARTON:

Legislator Levy, seconded by Caracciolo.

P.O. TONNA:

On the motion to approve, I'm going to let the sponsor --

00111

LEG. CARPENTER:
On the question --
LEG. FIELDS:
Oh, take out of order? We've already done that, no?
LEG. ALDEN:
No.
P.O. TONNA:
Okay. All right. Roll call.
MR. BARTON:
On the motion to take it out of order.
P.O. TONNA:
Take it out of order.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
LEG. CARACCIOLO:
Yes
LEG. COOPER:
Pass.
LEG. BINDER:
No.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
Pass.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.

00112

LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE:
No.
LEG. GULDI:
Pass.
P.O. TONNA:
Nope.
LEG. COOPER:
Yes.
LEG. D'ANDRE:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. GULDI:

Yes.

P.O. TONNA:

We're all over the place tonight.

MR. BARTON:

Ten.

P.O. TONNA:

Okay. So now it's in front of us. Motion to approve by Legislator Caracciolo, seconded by Legislator Levy. Okay.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

LEG. ALDEN:

On the bill. I'd really like to hear exactly --

00113

P.O. TONNA:

Yes, Legislator Alden.

LEG. ALDEN:

Thank you. I'd really like to hear exactly what this change is as far as the way the bill works.

LEG. CARACCILOLO:

Counsel? I think Legislator Fisher just said it best. Under the original law when it was enacted, the public had a right to request financial disclosure of elected official, and in doing so, they were provided all the information. In other words, now you see it. Subsequently, that was changed --

LEG. ALDEN:

Like what information, though.

LEG. CARACCILOLO:

All of your assets, all of your financial investments, personal properties you may own. Everything that --

LEG. ALDEN:

So every share of stock.

LEG. CARACCILOLO:

Right.

LEG. ALDEN:

Every single penny, anything like that. Okay, go ahead.

LEG. HALEY:

That's it.

LEG. CARACCILOLO:

So, subsequently, apparently the law was changed. And, Paul, I don't know, was it changed, or what was the process?

MR. SABATINO:

It's hypertechnical what happened. But prior to 1992, the Ethics Commission, when it received a request to disclose did what the

Financial Disclosure Law is all about, it actually disclosed the financial information, all the details. There was an amendment that was adopted, which said that there was a category in which the information could be withheld. The information could be withheld if the board determined that the potential personal embarrassment to a third party, to third party, not the person filing the financial disclosure form, which was not financial or economic in nature outweighed the public interest, then the information could be withheld in that circumstance, which virtually no circumstance that's imaginable. There was another provision which said that the categories of value, which is the portion of your financial disclosure statement where it deals with the bank accounts, that the categories, the categories would not be disclosed, but all the other information was to be disclosed.

Apparently, what happened, starting in 1993, is the Ethics Commission
00114

used the reference to the provision about the categories of value for bank accounts as a reason to redact all the financial information and that's when the implementation of the law changed. This amendment would restate with greater clarity that that's not case, all the information gets disclosed, so that's how it came about.

LEG. HALEY:

Roll call.

LEG. CARPENTER:

Question. Question.

P.O. TONNA:

Yes, Legislator Carpenter.

LEG. CARPENTER:

So the way it is now, if a financial disclosure form was filed, the form would show you had bank accounts or stocks in X Y and Z company, but would omit the amount that was represented?

MR. SABATINO:

What -- let me just back up. Prior to 1992, there was never an issue. The newspapers made the request all the time, the information was fully disclosed, it said you had a hundred shares of IBM that was worth a million dollars or a thousand dollars, that information was disseminated. In fact, it became almost a contest each year to see, you know, where the changes were. The Ethics Commission in 1993, for some -- well, began to redact the information. I was surprised when I first heard it, but, apparently, they redact everything. They redact the hundred shares of IBM and the dollar amount. The rationale --

LEG. CARPENTER:

Do they still say shares of IBM and just redact the amount and the figure, but they would say shares of IBM, shares of LIPA, whatever it is.

MR. SABATINO:

Yeah, but the amount, like it wouldn't say --

LEG. CARPENTER:

But the amount, okay.

MR. SABATINO:

-- a hundred shares, it wouldn't say two hundred.

LEG. CARPENTER:

Okay. So that you would be divulging the fact, then, that a person had

interest in the company in the form of shares of stock, but not necessarily the dollar amount.

LEG. FISHER:

The value.

LEG. HALEY:

Right.

00115

LEG. CARPENTER:

Okay.

LEG. HALEY:

Roll call.

LEG. CRECCA:

Roll call.

P.O. TONNA:

Yeah, roll call. Why go on the record about this?

(*Roll Called by Mr. Barton*)

LEG. CARACCILOLO:

Yes.

LEG. LEVY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

00116

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

[LEG. GULDI-NOT PRESENT]

LEG. COOPER:

I want to change my vote.

P.O. TONNA:

No.

MR. BARTON:

No. Mr. Cooper, you're changing your vote?

LEG. HALEY:

Mr. Cooper?

LEG. LEVY:

Mr. Cooper.

LEG. COOPER:

I'm changing it to no.

MR. BARTON:

Thank you, sir. Legislator D'Andre, you had passed.

LEG. D'ANDRE:

Make mine no, too.

LEG. ALDEN:

I'll take a no.

LEG. FIELDS:

Yes.

MR. BARTON:

Legislator Guldi? Seven. It fails. (Not Present: Leg. Guldi)

P.O. TONNA:

All right.

LEG. CARACAPPA:

Let's do this agenda.

P.O. TONNA:

So much for good government reform. Okay. Let's go on to -- all right.

LEG. CRECCA:

Mr. Presiding Officer.

P.O. TONNA:

Yes. Oh, sorry.

00117

LEG. CRECCA:

Very quick motion to reconsider, and with it, I'll just make a very quick comment. When we left last time, I know it was late, it was 12:15, everybody was packing up to run out, Legislator Levy had a sense resolution which was on. I was -- I read the minutes. What was happening was complete bedlam. I did not know what I was voting on.

It's very clear from the record that I did not. I used some choice words at the time, which is on the record. But the reality is I'm making a motion to reconsider Sense Resolution 42 --

P.O. TONNA:

I'll second.

LEG. CRECCA:

-- Initiative and Referendum.

P.O. TONNA:

He was on the --

LEG. LEVY:

How did you vote on the --

LEG. CRECCA:

Apparently, the record shows that I voted in opposition to it and I had no intention of doing that.

P.O. TONNA:

But he wasn't on the prevailing side.

LEG. FOLEY:

He's not on the prevailing side.

LEG. CRECCA:

So I'm asking for a motion to reconsider, so that we can send your resolution to the --

P.O. TONNA:

He can't make that, right?

LEG. TOWLE:

He can't do it.

LEG. CARPENTER:

I'll make the motion.

P.O. TONNA:

I can. I'll make the motion. You can't do that.

LEG. CARPENTER:

Second.

P.O. TONNA:

I'll make the motion, second by Legislator Carpenter. Okay?

00118

LEG. BINDER:

On what?

P.O. TONNA:

To reconsider Sense Resolution Number --

MR. BARTON:

42.

P.O. TONNA:

42. Okay. Let's just do all in favor? Opposed?

LEG. BISHOP:

Opposed.

LEG. FOLEY:

Opposed.

P.O. TONNA:

Fine. Now it's in front of us. There's two oppositions.

LEG. LEVY:

I'm going to oppose, only I don't know what's going to happen. I'm going to oppose.

P.O. TONNA:

We're just -- no. Could I say something? Just trust me. He's going to change his vote to a positive, that's why he's reconsidering.

LEG. LEVY:

If that's all it is, fine, but --

P.O. TONNA:

That's what it is, trust me. Okay? Now the vote is in front of us.

Legislator Levy, it was your bill. Do you want to make a motion?

LEG. LEVY:

Motion to approve.

P.O. TONNA:

Second it. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

18. Thank you very much. All right? Imagine that, Legislator Levy.

Okay.

LEG. LEVY:

I thought there was a plot in there somewhere.

P.O. TONNA:

Let's go to the CN's. All right. You don't have to be paranoid with me.

00119

LEG. LEVY:

It's too late, it's already up in Albany.

P.O. TONNA:

Okay. We have in front of us a Certificate of Necessity -- Necessity for 1440 -- {nessessessa}, put that on the minutes -- Number 1445. It's a sale of County-owned real estate pursuant to, you know, Local Law --

LEG. HALEY:

Motion.

P.O. TONNA:

Okay. Motion, thank you, Legislator Haley, seconded by Legislator --

LEG. CARACAPPA:

Second.

LEG. BINDER:

Which one is it now?

LEG. TOWLE:

Whoa, whoa.

P.O. TONNA:

-- Caracappa.

LEG. HALEY:

I'll take the second, he'll take the first.

LEG. TOWLE:

Hold on.

LEG. CARACAPPA:

On redemption.

LEG. LEVY:

On the motion. I just want some things said on the record.

LEG. TOWLE:

I don't care.

P.O. TONNA:

Right now I'm speaking. I'm recognizing Legislator Levy.

LEG. LEVY:

Thanks. I just want Brenda to state a few things on the record. The way it's been explained to me, Brenda is this is an individual who had a title problem. They're a handicapped person who needs to close within a two-week and this is a resolution to clear up that title problem for his property that encroaches on County land; correct?

MS. ROSENBERG:

That's correct. It was a surveying problem and it's a nine-foot strip of land and it's being --

00120

LEG. LEVY:

I don't know if that's working or if you could just -- yeah, just speak very closely.

MS. ROSENBERG:

It was an original surveying problem and this will clean up the title. And the county is selling him a nine-foot strip of land for \$400.

LEG. LEVY:

Four hundred dollar value, okay. Motion.

MR. BARTON:

I have a motion.

LEG. FISHER:

Second.

P.O. TONNA:

Okay, second.

MR. BARTON:

I have a motion and second.

P.O. TONNA:

There is a motion and a second already. Okay. All in favor? Opposed?

Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay, let's move on. Next one is CN Number 1446, Certificate of Necessity --

(1446-2000 - Approving the form and substance of a proposed agreement (The"Agreement") among Suffolk County (The"Local Sponsor"), the Dormitory Authority of the State of New York (The"Authority") and Suffolk County Community College (The"Community College") pertaining among other matters, to the financing of the State of New York's (The"State) one-half of the capital costs of certain facilities previously constructed for the Community College, and/or to finance the State of New York's share for new construction at the Community College, said construction previously authorized by the local sponsor delegating to the appropriate officials of the local sponsor Authority, on behalf of the local sponsor, to execute and deliver to the Authority said agreements and all necessary or desirous additional documents, certificates or agreements, granting approval to the Board of Trustees of the Community College to similarly execute and deliver such agreement on behalf of the Community College, and delegating to the appropriate officials of the Community College the authority to execute and deliver any related documents.)

LEG. FOLEY:

Motion.

00121

P.O. TONNA:

Forget this. I'm not reading this whole thing.

LEG. FOLEY:

I'll make a motion.

P.O. TONNA:

This is the Community College one.

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Foley.

LEG. FISHER:

Second.

LEG. HALEY:

Second.

P.O. TONNA:

Seconded by Legislator Haley. All in favor?

LEG. LEVY:

On the question. On the question.

P.O. TONNA:

On the motion, Legislator Levy.

LEG. LEVY:

I just want a synopsis from Budget Review on this, please.

P.O. TONNA:

It's a bond, right? This is a roll call?

LEG. FOLEY:

No, it's not a bond.

MS. ROSENBERG:

It's not a bond.

P.O. TONNA:

James.

MR. POLLERT:

This is a resolution which would be --

LEG. LEVY:

It's not working, Fred.

P.O. TONNA:

Fred.

MR. SPERO:

We adopt one of these resolutions every year. It's a sign-on by the
00122

County which allows the State to issue its bonds for our projects for
the Community College.

P.O. TONNA:

Great.

LEG. FOLEY:

Mr. Chairman.

LEG. LEVY:

You've examined the details and they all seem in order?

MR. POLLERT:

Yes.

LEG. FOLEY:

Yes. Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

This is something that we in the Education Committee, Legislator Cooper, other members of the committee, and in prior years we've been after, quite frankly, we've been after the State Dormitory Authority to issue the bonds for projects that the State Legislature and the County Legislature have approved over two years ago. So, finally, the Dormitory Authority has received direction from the Governor's Budget Office to put together about \$10 million worth of bonding for this Spring. So we're very happy that these projects are going to move forward. But the record should reflect that even with this bonding moving forward this spring, it's still two years behind the promises that were made two years ago to move with alacrity on the issuance of these bonds.

P.O. TONNA:

Alacrity, there we go. Okay.

LEG. ALDEN:

Look at your list.

P.O. TONNA:

Roll call.

LEG. ALDEN:

Look at your list.

P.O. TONNA:

Oh, Legislator Alden.

LEG. ALDEN:

Fred or Jim, this deals with legislation that we've already passed?

LEG. FOLEY:

Yes.

00123

LEG. ALDEN:

Resolutions that we've already passed, right?

MR. POLLERT:

Correct.

LEG. GULDI:

Correct.

LEG. ALDEN:

Thanks.

P.O. TONNA:

Sorry, Legislator Alden, I apologize. I'm 0 for 2 tonight. All right.

There's always three strikes. All right. All in favor? No. Roll call.

LEG. CRECCA:

We don't need a roll call.

P.O. TONNA:

We don't need a roll call? It's a bond.

LEG. GULDI:

It's a bond.

LEG. FOLEY:

No, it's not a bond.

MR. BARTON:

No.

LEG. FOLEY:

It's not a bond.

P.O. TONNA:

Okay. All right. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

All right, 18. Let's go to the next one. Okay. We have Home Rule Message Number 4 (Home Rule Message requesting the New York State Legislature to authorize Suffolk County to extend a three-fourths (3/4) of one percent (1%) Hotel/Motel Tax for the purpose of promoting convention business and tourism within Suffolk County). Is there a motion?

LEG. BISHOP:

Motion.

LEG. POSTAL:

Motion.

00124

LEG. CRECCA:

Motion.

P.O. TONNA:

Motion by Legislator Bishop, seconded by Legislator Crecca. All in favor? Opposed? Approved.

LEG. CARPENTER:

On the motion.

LEG. GULDI:

Abstention.

P.O. TONNA:

Oh, wait, wait, wait. On the motion, Legislator Carpenter.

LEG. CARACCIOLO:

This is Hotel/Motel?

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yeah. Actually, give me a no, too, Henry.

LEG. CARPENTER:

On the motion.

LEG. GULDI:

Henry.

LEG. CARPENTER:

This was --

P.O. TONNA:

Can I ask Legislators, we really need to concentrate a little, because we want to move with a serious volume of things within 40 minutes. So, please, I'd ask that people sit down, relax, concentrate, and let's move through this agenda. Legislator Carpenter.

LEG. CARPENTER:

I would just ask Counsel, because I just got this version that came from the County Executive, because I know that some Legislators had introduced it, does this reflect the formula change that the County had made where the one-third of the three-quarters is divided equally between Historic Preservation and Cultural Arts?

MS. ROSENBERG:

Yeah. It's a 50-50 split.

MR. SABATINO:

I'm just --

00125

LEG. CARPENTER:

Because I know that the Home Rule Message --

MR. SABATINO:

I know what you're referring to.

LEG. CARPENTER:

-- that we had had a mistake in it.

MR. SABATINO:

Yes, this reflects the change that was made four years ago and carries it through.

LEG. CARPENTER:

Okay. Thank you very much.

LEG. HALEY:

It says it in there, Ang.

P.O. TONNA:

Okay.

LEG. FISHER:

It's in the second paragraph.

P.O. TONNA:

All in favor?

LEG. GULDI:

Opposed.

P.O. TONNA:

Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. TONNA:

Okay. We have the two Legislators from the East End. It's the Bill Jones experience. Okay. That's 16 and 2, Henry?

MR. BARTON:

16-2.

P.O. TONNA:

All right. Let's move onto the next one. Home Rule Number 5 (Home Rule Message requesting the New York State Legislature to authorize Suffolk County to dedicate new replacement parklands for the purpose of complying with the requirements of Chapter 371 of the Laws of 1999).

Okay. That's whatever. I'll make a motion, seconded by Legislator Fields. All in favor? Opposed?

LEG. LEVY:

Explanation.

00126

LEG. FOLEY:

Explanation.

P.O. TONNA:

Explanation. I got to save you time.

MS. ROSENBERG:

You want me to explain? This particular parcel is in -- to replace a parcel that was approved last year to -- it's strip of parkland that was needed to --

LEG. FIELDS:

We can't hear you.

MS. ROSENBERG:

Let me go back from the beginning. Computer Associates needed a --

LEG. FIELDS:

Put the microphone up.

MS. ROSENBERG:

You can't hear it?

LEG. FOLEY:

Not at all.

MS. ROSENBERG:

I'm sorry. Computer Associates, in their improvements, needed to take a parcel of land, a .18 point of land to make road improvements in front of Motor Parkway. Last year you approved a transfer of property, which has to be done to change over parkland. You have to do an equal swap of land, equal or greater than. At that point, the parkland -- the equal swap never went to contract because there was an unwilling seller. So this just replaces a different parcel, and it is our own land that's coming from our inventory.

LEG. CARACCIOLO:

Motion.

LEG. LEVY:

Motion.

LEG. CRECCA:

Motion.

P.O. TONNA:

Okay. There is already a motion and a second. All in favor? Opposed?

Approved.

MR. BARTON:

18.

P.O. TONNA:

Thank you. Home Rule Number Six (Home Rule Message requesting the New York State Legislature to authorize Suffolk County to modify and extend a one-quarter of one percent sales and compensating use tax rate for

00127

the Suffolk County Drinking Water Protection Program). I'll make a motion.

LEG. HALEY:

Second.

P.O. TONNA:

Seconded by --

LEG. TOWLE:

Explanation.

LEG. HALEY:

Second.

P.O. TONNA:

Wait. Seconded by Legislator Haley. Explanation, I think somebody called for.

MR. SABATINO:

This would implement the public referendum that was recently approved to extend the quarter percent for thirteen years and do a third for tax stabilization, a third for sewer stabilization --

LEG. GULDI:

Second.

MR. SABATINO:

-- and a third for environmental protection.

P.O. TONNA:

There's already a motion and a second. Sorry.

LEG. TOWLE:

Good try.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Sorry, Tweedledee and Tweedledum, not on this one.

LEG. FOLEY:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Okay. Legislator Foley.

LEG. FOLEY:

On this particular resolution, concerning the fact that the State Legislature will be going into recess I believe tomorrow or no later than Thursday, I believe it's tomorrow, and they won't be back until

May 1st, I would ask that we not approve this today, to have it go through the Parks Committee, just to make sure that the backup information is the exact language of what our resolution was, the -- what was approved last Fall as a ballot proposition. And I just want

00128

to go over this to make sure that there's no changes, no minor changes, no major changes. Sometimes those things do happen.

LEG. FISHER:

Home Rule Six?

LEG. FOLEY:

Yeah. And considering the fact that this not the end of session, it's not July 4th, it's not July 3rd, and the fact that they are going to recess as of tomorrow, they're not going to be taking this bill up until May anyway. So I would ask that we would let this go through the Parks Committee just to scrutinize it one last time to make sure that this Home Rule mirrors what the proposition was approved last November.

MS. ROSENBERG:

Brian --

LEG. LEVY:

Mr. Chairman.

MS. ROSENBERG:

-- I can sure you that it was checked by Legal Counsel and it does mirror your language.

LEG. LEVY:

Mr. Chairman.

LEG. FOLEY:

Well, then what's the urgency of doing it tonight, then?

LEG. HALEY:

You just have to believe her.

MS. ROSENBERG:

Because if it doesn't pass now, we're going to have trouble getting it up to Albany on time and getting it in front of the Legislators up in Albany.

LEG. FOLEY:

I very much doubt that there's going to be difficulty to get this up by May 10th.

LEG. LEVY:

That's my question.

P.O. TONNA:

I would -- Legislator Carpenter has a good question. Legislative Counsel, did you review this and does it mirror -- do you corroborate what the County Executive's representative has attested?

MR. SABATINO:

Yes. I reviewed the legislation with regard to the substantive components of the program, which are the sewers, the land acquisition, the environmental protection and the tax stabilization. It's in accordance with the Charter Law that was adopted by referendum.

00129

With regard to the creation of the actual trust fund, they stayed with the old language, which is an imperfect way of doing it. However, because the Charter Law breaks it up into the requisite five accounts, the Charter Law is what is going to govern. So as long as we get the

authorization to do the sales tax, they've got the right purposes delineated, we just have to be sure that we go to appropriate the money, we put it into the actual trust accounts that were created by the Charter Law.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Okay. So what we're saying is that's okay, then.

LEG. FOLEY:

Mr. Chairman, as a follow-up to that question, I mean, if you go to the last page and you go to the last sentence of the last page, it gives the breakdown. And as a follow-up question to Legislator Carpenter, which is a good one, Counsel, just read the breakdown of the --

LEG. BISHOP:

We knew the breakdown. We created the --

LEG. FOLEY:

Just wait a second. Does that breakdown reflect -- does that breakdown reflect what we had approved, what the people had approved last November?

MR. SABATINO:

Yes, it does. The concern I had was that the State Legislature might try to propose legislation changing our allocations. That was the language I was looking for.

LEG. FOLEY:

This was for --

MR. SABATINO:

Fortunately, this time around, they didn't do it. In '87, they did cause some problems, because they tried to play with the language. This draft doesn't do that. So we've got the major components. We've got the environmental protection for Open Space, we've got --

LEG. FOLEY:

I understand that.

MR. SABATINO:

-- the Water Quality Protection, we've got the Environmental Protection for farmland, we've got the County property tax and the sewers.

LEG. FOLEY:

The percentages are accurate percentages? Farmland Acquisition is 7.35%?

00130

LEG. CARACCILOLO:

Yes.

MR. SABATINO:

Yeah,. Our -- what's going to --

LEG. FOLEY:

Okay.

MR. SABATINO:

Because they're giving the generic authority to collect a sales tax -- to impose a sales tax, rather, then collect the sales tax and use it for these five purposes, these five purposes are consistent with the Charter Law. The Charter Law will govern in terms of the actual percentages.

LEG. FOLEY:

Well, the percentages are outlined in the back. I'm saying do these --

MR. SABATINO:

Well, that's not the language of the statute, that's the --

LEG. FOLEY:

Well, that's my point.

LEG. GULDI:

That's the supporting memo.

MR. SABATINO:

That's the bill jacket, which is attached.

LEG. FOLEY:

Okay.

MR. SABATINO:

It's nice to have, but it's --

LEG. FOLEY:

Okay.

MR. SABATINO:

What governs is the language.

LEG. FOLEY:

So.

P.O. TONNA:

So we're okay with the language.

MR. SABATINO:

So we're okay. The only caveat --

P.O. TONNA:

Roll call.

00131

MR. SABATINO:

-- I mentioned before is we just have to watch carefully that we put the money into the right accounts pursuant to the Charter Law, because that portion of the bill, they stayed with the old language.

LEG. FOLEY:

Well, then I want to ask Counsel --

MR. SABATINO:

But we can live with that as long as we all agree to follow the Charter Law, which we're obligated to do anyway.

LEG. FOLEY:

Well, then, Counsel if you can at least give to this Legislator what the breakdown -- what the percentage breakdown is supposed to be for these -- not tonight, but in the near future, what the percentage breakdown is for each of the categories, so at least I know what the right breakdown is supposed to be.

MR. SABATINO:

I could pull out the --

LEG. FOLEY:

I don't need it right now, but I'm just saying, in the near future, if you furnish that to us, so we make sure that we give the proper amount of monies to the proper accounts.

MR. SABATINO:

Okay.

LEG. FOLEY:

What you're saying is different from what's reported in the backup to the bill tonight.

LEG. D'ANDRE:

Move the question.

P.O. TONNA:

Okay. Let's just do the basic thing. All in favor? Opposed?

Approved.

MR. BARTON:

16, 2 not present.

P.O. TONNA:

Thank you very much. Okay. Let's go to --

LEG. BISHOP:

Mr. Chairman, before --

P.O. TONNA:

Yes.

LEG. BISHOP:

Before Brenda --

00132

P.O. TONNA:

Brenda, Brenda.

LEG. BISHOP:

I'm looking for a title, County Executive Assistant --

MS. ROSENBERG:

How quickly we forget.

LEG. BISHOP:

-- County Executive Assistant -- it was the title I was looking for -- leaves the podium I just want to make an inquiry regarding a CN that has not been included. I had asked earlier this evening for a Certificate of Necessity on purchase of helicopters. And, granted, I only came to you today with that request, and that's because the Public Safety Committee only came to a consensus on which helicopter to purchase today, although we did have lengthy hearings the last two meetings regarding the issue, did you contact anybody in the administration regarding the issue? Because I was under the impression from our committee testimony from the Police Commissioner, from the Aviation Unit and so forth that it was a matter of urgency and that they were looking for action post haste and not to be delayed.

MS. ROSENBERG:

Yes, we did contact members of the staff.

LEG. BISHOP:

And they were fine with the delay?

MS. ROSENBERG:

They were a little disturbed about the process, and as the Presiding Officer and the County Exec's Office were not informed that this was happening, they felt the delay wasn't that bad in this process, and that we would prefer at this point not to do a CN. Not that they're not supporting the purchase, they would just prefer not to do the CN at this time.

LEG. BISHOP:

Okay. So the delay will have no impact --

MS. ROSENBERG:

No. If -- no. If the --

LEG. BISHOP:

-- In terms of delay, other than the two weeks?

MS. ROSENBERG:

Yeah, if the committee feels that this was the proper vehicles to

purchase --
LEG. BISHOP:
It's three weeks.
MS. ROSENBERG:
-- they will go along with it.

00133

LEG. BISHOP:
Okay. I just want to make sure that it's understood where the impetus
for the delay is occurring. Thank you.
MS. ROSENBERG:
Okay, thank you.
P.O. TONNA:
Okay.
LEG. FISHER:
Mr. Chairman.
P.O. TONNA:
Yes, Legislator Fisher.
LEG. FISHER:
Fisher. I'd like to lay on the table and approve Home Rule Message
Number 2.
P.O. TONNA:
Okay. There's a motion by Legislator Fisher, seconded by myself. All
in favor? Opposed?
MR. BARTON:
Which Home Rule Message, Mr. Chairman.
P.O. TONNA:
Home Rule Message Number 2.
LEG. FISHER:
Home Rule Message Number 2, that was just distributed.
MR. BARTON:
Okay.
P.O. TONNA:
I think we just -- we laid it on the table.
LEG. TOWLE:
Cosponsor
P.O. TONNA:
Okay.
LEG. BISHOP:
Is this before us?
P.O. TONNA:
Now, we'll make a motion to approve.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Explanation.

00134

P.O. TONNA:
There's a motion --
LEG. FISHER:
Motion.
P.O. TONNA:
-- by Legislator -- okay. First make the motion by Legislator Fisher,
seconded by myself. On the motion

LEG. FISHER:

You want an explanation on that?

P.O. TONNA:

Legal Counsel, we'd ask that there's an explanation on Home Rule Message Number 2.

MR. SABATINO:

Suffolk County has changed the title of Park Rangers to Suffolk County Park Police. What the State is now asking to do is to conform the retirement and Social Security law to that new title. This would amend that portion of the State statute.

LEG. FISHER:

It's just so that the change of name is consistent.

LEG. BISHOP:

Okay.

P.O. TONNA:

Okay. All in favor? Opposed? Approved. All right.

MR. BARTON:

17, 1 not --

P.O. TONNA:

Can we get to the agenda, please?

MR. BARTON:

I'm sorry, 16, 2 not present. (Not Present: Legs. Caracciolo and Levy)

P.O. TONNA:

Please. All right, here we go to the agenda. Consent Calendar.

LEG. GULDI:

Motion.

P.O. TONNA:

I'll make a motion to approve, seconded by Legislator Cooper. All in favor? Opposed? Approved. Consent Calendar approved.

MR. BARTON:

17, 1 not present.

00135

P.O. TONNA:

Great. Okay, tabled resolutions. Number 1041 (A Charter Law to establish competitive-bidding process for selection of County Bond Counsel). Is there a motion?

LEG. BINDER:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Binder, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Levy)

P.O. TONNA:

Number 1061 (Amending the 2000 Operating Budget and transferring funds to the Office for the Aging for the Shelter Island Affairs Council).

Motion. Is there a motion? Legislator Caracciolo, is there a motion?

LEG. CARACCILOLO:

Yes.

P.O. TONNA:

To what?

LEG. CARACCILOLO:

Excuse me?

P.O. TONNA:

Motion to approve?

LEG. CARACCILOLO:

No, table.

P.O. TONNA:

Table by Legislator Caracciolo, second by myself. All in favor?

Opposed? Tabled. Okay.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Levy)

P.O. TONNA:

Number 1089 (A Local Law to authorize immobilization of "Deadbeat" Parent Vehicles). Legislator Carpenter, what's your pleasure?

LEG. CARPENTER:

Yes. I would like to make a motion to approve, and hope that I have the support to pass this legislation this evening.

LEG. BISHOP:

Then you have no press conference.

LEG. HALEY:

Second.

00136

P.O. TONNA:

That's how you would think, Legislator --

LEG. CARPENTER:

Right. I'm not doing it for the press, I'm doing it --

LEG. BISHOP:

No, of course not.

LEG. CARPENTER:

-- to really make a difference in the department, as far as giving them another tool to help with the problem of deadbeat parents who refuse to own up to their responsibilities of paying child support.

I've had discussions with the Commissioner. He had suggested that he would like to see in the bill the provision, much as is in the -- as is a policy when the County issues their list of the ten worst deadbeats. Before they do that, they contact the custodial parent. And I have, in fact, made that change. In fact, we've gone one step further and given the Commissioner of Social Services -- he is empowered, authorized and directed to issue and promulgate any rules and regulations necessary to implement the law. So, basically, what this is doing is giving him the tool and giving him the latitude in how to apply it.

There was a gentleman here earlier from Father's Rights and I think that we clearly addressed his concerns as far as you'd be taking vehicles away from those trying to support their families, because it very clearly states in the legislation that this is meant as a tool of last resort when all other avenues have been exhausted, when you meet all of the necessary criteria. And it is quite lengthy the requirements, and the fact that the deadbeat has to be in arrears for at least 120 consecutive days and owe a total amount of at least \$2,500. There are all kinds of safety mechanisms in place to make sure that no one is being unduly -- having their vehicle immobilized, that the conventional reinforcement remedies have been exhausted when the --

P.O. TONNA:

Legislator Carpenter has the floor, please. I know it's late. I ask that people do not interrupt Legislator Carpenter.

LEG. CARPENTER:

Thank you, Mr. Chairman. That when they've tried everything and they've tried withholding income, when they've tried to garnish salaries and all of those things have not worked, this would give them that tool. They'd have to have the court order, the judgement, the hearing officer would have to make the determination of responsibility, all of those safety mechanisms are in place.

And, again, as I stated earlier today, some people were using this bill as an opportunity to beat up the department and that is really unfair. The people that are working in the Child Support Enforcement Bureau, our County employees are doing the best job they can with the tools that they have. We need to give them more staff. I know that the Social Services Committee is diligently working to address the problems and concerns with trying to help the Department. I know under the good leadership of our Presiding Officer, we'll see those changes

00137

implemented. But in the meantime, we have an opportunity to send a very strong message to any deadbeats that are in this County that Suffolk County is, indeed, serious about making sure that those that have the responsibility to support their children are doing so.

LEG. CARACAPPA:

Mr. Chairman.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

All right. Just want to -- Legislator Caracappa has the floor, but, Legislator Caracappa, after you then, I'll chide.

LEG. CARACAPPA:

Well, I'm going to take the words that were going to come out of your mouth when I say we all know how we're voting on this, Mr. Chairman.

P.O. TONNA:

Yes, let's just vote.

LEG. CARACAPPA:

We are very -- we're not pressed for time so to speak, but --

P.O. TONNA:

No?

LEG. CARACAPPA:

It's 11:30, we have a lot of things to do.

P.O. TONNA:

I don't know, you --

LEG. CARACAPPA:

We've debated this issue to death.

P.O. TONNA:

Four hours passed my bedtime.

LEG. CARACAPPA:

We've reviewed the extra changes. I think we all know in our hearts and in our heads how we're going to vote for this, and I'd appreciate if everyone just their vote.

P.O. TONNA:

Okay. We need a second for Legislator Carpenter, for of all.

LEG. FISHER:

Second.

LEG. CRECCA:

Second.
P.O. TONNA:
Okay. Who's --

00138

LEG. FISHER:
For what he just said?
P.O. TONNA:
No, no, Legislator --
LEG. CRECCA:
I'll second it.
P.O. TONNA:
Legislator Carpenter needs a second.
LEG. FISHER:
No, no, I don't want to second it.
P.O. TONNA:
Okay. Legislator Crecca was the second. Okay. All in favor?
LEG. BISHOP:
This is on what?
P.O. TONNA:
This is on the deadbeat parent.
LEG. BISHOP:
This is to approve, right?
LEG. CARACAPPA:
Roll call
P.O. TONNA:
This is to approve.
LEG. FISHER:
Roll call.
LEG. LEVY:
Motion to table.
LEG. BISHOP:
Motion to table, there's a second.
LEG. BINDER:
No, I've got plenty to say. I've got plenty to say.
LEG. CRECCA:
Let him do a vote already.
LEG. BINDER:
Motion to table? I've got plenty to say.
P.O. TONNA:
Can I say one thing? Just --

00139

LEG. BINDER:
I've got hours.
LEG. CARACAPPA:
Let it go up or down.
P.O. TONNA:
Legislator -- well, that would be good, because then the sober house
Bill won't come through. So either you're going to help Legislator
Carpenter or Legislator Towle.
LEG. BINDER:
That's fine. I don't care.
P.O. TONNA:
Legislator Towle, you'll have to take out your anger somewhere else.

LEG. HALEY:

Put me on the list.

LEG. BINDER:

Yeah. No, no. I've got -- if there's a motion to table, I got plenty to say. If we want to vote up or down --

P.O. TONNA:

This would be very Machiavellian of me, actually, to figure this. Let's really debate this issue. No. Okay.

LEG. TOWLE:

Plus we'll vote got to extend the meeting past midnight.

LEG. BISHOP:

Motion to defer consideration until the end of the agenda.

LEG. CARPENTER:

No. That's very unfair and I think it's --

P.O. TONNA:

Okay. Can I say something? This is -- first of all, Legislator Binder is the next recognized person. I would just say it gets a little silly. I know it's been a long, long day. Just let's stay focused. Legislator Binder, take your time.

LEG. BINDER:

And I will. I appreciate that.

LEG. HALEY:

Put me on the list.

LEG. BINDER:

No. If this is a question of up or down, if we were going to vote, and I thought we were going to vote up or down, then --

LEG. CARACAPPA:

Allan, don't do this.

00140

LEG. BINDER:

Then everybody would have an opportunity to say where they are with their vote.

LEG. FOLEY:

If tabling fails, then speak.

LEG. BINDER:

But since there is a tabling motion and since it is the concerted effort of some here not to vote on this and not to have their vote cast, then I guess we should talk about the specifics, and there's plenty to do, there's plenty of work to be done on this particular bill. Right now we have a bill before us where we have an opportunity, as we have in the past, we have an opportunity to take care of a problem. Will it take care of it totally? No. Has it ever -- have we put in legislation that has totally obliterated problems? Probably not. But in the past, we have put in legislation that has tried to address this problem.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

We now have a new piece of legislation that talks about occupational licenses; again, another piece of legislation to even sure up that, another tool. We have Legislators here who have in the past voted for all of these measures. And all of a sudden when this particular measure, when this comes before us now they have a problem, and you have to wonder what this is about. You have to wonder why, when we have an opportunity to help the children of Suffolk County, why members are

balking and, in fact, why members specifically don't want their vote registered. Why wouldn't members want to have the opportunity to say that they're not in favor of something and have that vote on record? Instead, the idea is to, at every meeting, table this into oblivion so there's no opportunity, hoping that maybe it gets past the six month rule and so maybe it goes away. But the problem is that I am sure Legislator Carpenter, immediately upon this being past the six month rule, would take the opportunity to put it back in again and then we'd have these debates again.

And if Legislators want to debate tabling this constantly, every meeting for long periods of time, then Legislators will continue to make motions to table instead of trying to vote up or down, putting their vote on the record. I find it very interesting that members have plenty to say about it, but when it comes to voting they don't want to vote. You ask why members want to table, they don't have a reason for wanting to table, they say, "Well, it's not a good bill." Okay, it's not a good bill, vote against it, if you want to abstain, abstain, there are all kinds of choices. But what I'm not going to do is I'm not going to make it easy for members on a regular basis to be able to just table this into oblivion so that they don't have their vote on the record for the people to see, and that's what this is all about, putting our votes on the record.

Right now we have an opportunity to protect the children of Suffolk County. I guess it's pretty embarrassing for members, when the question is put that way, which is how they will be put probably a year from November, the question will be put the exact same way, where were you

00141

when there was an opportunity to protect the children of Suffolk County who were not being protected? Where were you when there were children out there who were barely eating because their single mother or father didn't have an opportunity to get money from the spouse?

LEG. ALDEN:

Legislator Binder, would you suffer an interruption?

LEG. BINDER:

I would suffer an interruption, sure.

LEG. ALDEN:

I think we have to suspend, we do not have a quorum.

D.P.O. LEVY:

Can we call Legislators into the horseshoe, please?

LEG. BINDER:

Yeah, just make a quorum call, that will be fine. I will suspend until there is a quorum.

D.P.O. LEVY:

For those in the back who hear the microphone, please come back to the horseshoe, we do not have a quorum.

LEG. BINDER:

Well, if I can, what I would do is suggest a lack of a quorum and ask the Clerk to call the roll; I'm suggesting the lack of a quorum. And I would ask Counsel, under a parliamentary inquiry, wouldn't that necessitate the call of the roll?

D.P.O. LEVY:

Let's just give it a couple of minutes.

LEG. BINDER:

To see if we have a quorum.

D.P.O. LEVY:

Let's give it a couple of minutes. I'm sure people didn't go home in the back.

LEG. HALEY:

Counsel can answer the question.

LEG. BINDER:

I think Counsel can answer that question. If I suggest a lack of a quorum --

MR. SABATINO:

The request for a roll call should be honored.

LEG. BINDER:

Can I have a -- I'd like a

MR. SABATINO:

A Legislator has a right to make a request for a roll call, a request
00142

has been made.

LEG. BINDER:

I would like the Clerk to call the roll.

D.P.O. LEVY:

A roll call for what?

MR. SABATINO:

Of who's present.

LEG. BINDER:

Because I suggest a lack of a quorum during --

P.O. TONNA:

Would all Legislators please come to the horseshoe, at least enough to constitute a quorum.

LEG. BINDER:

Could I have a roll call, please? I mean, I have asked for a roll call and I'm entitled to it as a member.

LEG. LEVY:

Is this a roll call -- you want a roll call to determine who's present.

Okay. Henry, have a roll call to determine who is present.

P.O. TONNA:

Okay, Henry, make a roll call.

(*Roll Called by Mr. Barton*)

LEG. CARACCILOLO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER: (Not Present).

LEG. HALEY:

Here.

LEG. FOLEY: (Not Present).

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. D'ANDRE:

Here.

LEG. BISHOP:

Here.

LEG. POSTAL:

Here.

LEG. BINDER:

Here.

LEG. COOPER:

Here.

LEG. LEVY:

Here.

P.O. TONNA:

Yes, present, accounted for.

LEG. BINDER:

So let me --

MR. BARTON:

16.

LEG. BINDER:

I guess there's a quorum. That's okay, because when I don't count ten I'll just suggest the absence of a quorum and ask for another roll call again.

LEG. D'ANDRE:

Did we vote on this?

LEG. BINDER:

No, no, we haven't voted. In fact, I don't know if we're going to get to vote tonight on this because there's a tabling motion and I would suggest that members don't want to vote on this. I would suggest that members don't want to be holding the moniker of not having supported the children of Suffolk County who are in desperate need of help. That there are people out there, the youngest among us, who need the support of government, there is government who needs a tool to be able to help these children, and before us there is the tool, there is an opportunity.

Now, there are some who don't support this but in the past have supported everything else that we have suggested, and you have to wonder why they have supported all of these other measures. When these other measures came up, you didn't hear the ranting and raving of,

"Well, the department is not working well, we shouldn't take occupational licenses. Well, the department isn't working well so we shouldn't take driver's licenses. Well, the department's not working well so we shouldn't do anything to improve the County's ability to enforce child support payments." That's what we did in the past. The very same members who are sitting here today doing everything possible to try to table this measure so they doesn't have to have their vote on record, so they don't have to go before the voters and go before the people --

LEG. CRECCA:

Motion to close debate.

LEG. BINDER:

-- in the past

LEG. CRECCA:

I believe that supersedes.

P.O. TONNA:

Is there a second?

LEG. FISHER:

Second.

P.O. TONNA:

Okay. There's a motion -- I don't know.

LEG. CARPENTER:

On the motion to close debate, Mr. Chairman, if I could.

P.O. TONNA:

Allan, you would know the rule, if there is a motion and a second, can they interrupt you like this?

LEG. HALEY:

On the motion to close debate.

LEG. GULDI:

Point of order, yeah.

LEG. BINDER:

No, actually they can't. I would have to yield for a motion.

LEG. GULDI:

Point of order.

P.O. TONNA:

Okay, point of order.

LEG. BINDER:

That is a point, no one can interrupt.

LEG. CARPENTER:

Mr. Chairman, could I ask Legislator Binder --

00145

LEG. BINDER:

The fact that I have the floor and I have not yielded, I have not yielded for a motion.

P.O. TONNA:

I knew I would get into all this weed stuff, this is on-the-job training for me as Presiding Officer, I knew this would happen.

LEG. BINDER:

If someone wants to ask for me to yield they can ask for me to yield, but I have the floor and I haven't --

P.O. TONNA:

Okay. Hold it one second, I asked a question. He had the floor.

LEG. TOWLE:

I have Robert's Rules of Order.

P.O. TONNA:

Okay. Allan, with all due respect to a member of the Legislature, go ahead. You're not yielding?

LEG. BINDER:

No one has asked me to yield. Has someone asked me to yield?

LEG. CARPENTER:

Mr. Chairman, I would ask the speaker if he would yield, please.

LEG. BINDER:

Can I ask for what purpose you are asking for me to yield?

LEG. CARPENTER:

I am asking you to yield for the humane purpose of letting this go for a vote. This has been a long day, everyone is tired. I sincerely appreciate what you are trying to do, but I think in fairness to everyone we should just call the vote.

LEG. BINDER:

Before I yield, my concern is that if we were to do that, we would find ourselves here at each meeting just tabling. I will yield, I will yield for that, but I want it very clear that there's going to be a point at which I will not yield and I will, if it takes all night on a tabling motion, talk until 12 o'clock even if it starts at five. If that's going to be -- if the intent is constantly to table and never to take a vote so members don't have to put their vote on record, that is what I will -- I will intend to do that. Now if --

LEG. CARPENTER:

Well I --

LEG. BINDER:

For this time, the sponsor asked to yield, I will yield.

LEG. CARPENTER:

I appreciate that and I think 17 other people do to.

00146

LEG. CARACAPPA:

Roll call.

LEG. HALEY:

Roll call.

LEG. CARPENTER:

Now, this is on the motion to approve?

P.O. TONNA:

No, motion to table has precedence.

LEG. CARPENTER:

Motion to table. Roll call.

MR. BARTON:

Who seconded that, Mr. Chairman?

P.O. TONNA:

Who was the second? Legislator Bishop was the second, Levy and Bishop.

MR. BARTON:

Bishop, that's what I thought. Thank you. On the motion to table.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

On the motion to table, no.

LEG. CARPENTER:

No.

LEG. ALDEN:

No to table.

LEG. FIELDS:

No.

00147

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yep.

LEG. D'ANDRE:

No to table.

P.O. TONNA:

Follow your conscience.

MR. BARTON:

There were eight in favor.

LEG. HALEY:

Roll call on the motion to approve.

LEG. CARPENTER:

Motion to approve.

LEG. CRECCA:

Second.

P.O. TONNA:

There is a motion to approve by Legislator Carpenter and a second by --

I'm just repeating it, Legislator Crecca.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion now?

LEG. FOLEY:

On the motion.

00148

P.O. TONNA:

Okay, we're on the motion.

LEG. COOPER:

Mr. Chairman?

LEG. FOLEY:

On the motion.

P.O. TONNA:

Legislator Foley has the floor, Legislator Cooper.

LEG. FOLEY:

Thank you, Mr. Chairman. Legislator Binder had mentioned earlier that some who in the past had been trying to improve the effectiveness of the Child Support Enforcement Bureau, he's quizzical that they wouldn't be supportive of this today or why would they not be. I think we need to have just a very brief, recent, historical overview of this effort to improve Child Support Enforcement Bureau.

I say at least a year ago there was a presentation made to the Human Services Committee by the Child Support Enforcement Bureau as to the needs of that particular division; it was a very, very educational, informative presentation. At that time, it was stated they needed anywhere from 24 to 26 new positions. Some months went by, it was early June, and at that time I had brought up a question as a member of Human Services to then Chair Legislator Binder as to where was the -- what's the status on those 24 positions. And it was stated on the record at that time that the Chair had worked out an arrangement with the Commissioner of Social Services to hire only 11 out of the 26 that were recommended by the Director of the Child Support Enforcement Bureau. I had questions about that, I said why are we only doing 11, the answer that came back was well, both the Commissioner and the Chair at that time wanted to see how 11 would work out and whether or not --

P.O. TONNA:

Who was the Chair?

LEG. FOLEY:

The Chair at the time was Legislator Binder. And that the Chair and the Commissioner of Social Services wanted to see whether or not the 11 would, quote/unquote, work out to help cut back on the overload that was being handled by the caseworkers in that particular bureau. Well, half a year went by, now we're into a new year and still the original request made by Child Support Enforcement Bureau for 24 new positions still haven't been filled. Now, why is this an important point? It's important for the following reason. I have had a number of constituents, a good number of constituents who have called the office or who have written to the office, a number of whom are women who are opposed to this resolution. And the reason that they're opposed to the resolution is because there are great concerns about how well Child Support Enforcement Bureau is doing its job. This is not a reflection or commentary on the hard working public employees of that particular bureau, but the fact remains that they are overworked, they need more caseworkers in order to handle the cases that they presently have. And the concern that I have and the concern that others have who have

00149

looked into this field is that mistakes will be made, if this is approved mistakes will be made, where people who shouldn't be booted will be booted, their cars will be booted and they won't be able to get to work. And if we had in place a proper level of staffing of CSEB, I would have more confidence in approving this resolution knowing that the division was at full strength and that there was far less likelihood of mistakes being made. However, under the current situation where not even half of the positions that were requested last year were actually created for this division, facts that their caseloads are way too high per worker, facts that mistakes, despite their best intentions -- and they are good workers over there, my staff works with them on a

weekly basis. And as I have said in the past, too many of our offices are adjuncts to the Social Services Department. I know intimately well as does my staff and the staff of others around this horseshoe, of the problems that each of the units over there deal with.

So my major concern is that if we approve this resolution given the staffing difficulties at CSEB, that mistakes are going to be made and we're going to have not just a couple but a number of wrongful bootings of cars occurring. And those men and women who otherwise want to get to work, want to pay the child support, want to do the right thing won't be able to do the right thing because their cars have been mistakenly booted by an under staffed, overworked bureau of the Child Support Enforcement Bureau. So reluctantly, reluctantly I say this for the record, I have to presently oppose the bill since I don't think that there's proper staffing of the bureau to carry out the sections of this proposed resolution.

P.O. TONNA:

Okay. Legislator Carpenter and then Legislator Guldi.

LEG. CARPENTER:

Thank you, Mr. Chairman. Just to address Mr. Foley's concern about staffing I will tell you that I will support you and anyone else who is going to move towards, you know, increasing the staffing levels at the department. And I know that the Social Services Committee has taken this on and will be addressing that issue.

When this bill was implemented in Virginia and they booted 47 vehicles and it netted \$351,000 from the 47 vehicles that were booted, what was even more interesting and compelling for why we should do this now, especially we were concerned about them not having the staffing to go after the deadbeats and collect the child support, over 500 deadbeats voluntarily came forward to pay up their arrears because they feared being booted, they feared the embarrassment. It was so effective in this one County in Virginia whose demographics very closely mirror that of Suffolk County's, that within a year it went Statewide, this policy was implemented Statewide.

And I think that if we do this and we have given the Commissioner the authority to set forth whatever rules and regulations he needs to implement this and do it in a way that no one will be wrongfully booted. No one wants to see anyone who is truly genuinely wanting to support their children not be able to go to work, not be able to use their vehicles, that is the last thing we want. And I think we're all in agreement the time is long due to pass this legislation, to do the

00150

right thing and do it in a timely fashion. And I would ask that we call the vote.

P.O. TONNA:

Okay, Legislator Haley.

LEG. HALEY:

Legislator Carpenter, what you said about Virginia, it had a net impact of reducing the work load because of all the people who volunteered to come in and pay, right?

LEG. CARPENTER:

Exactly.

LEG. HALEY:

Interesting point. What I'm concerned with is when we talk about

innocent victims -- and sometimes I like to throw this up in people's face and so please excuse me, Legislator Foley. A perfect example is the legislation that we passed that called for the seizing of vehicles, when if you are going to start considering the impact that you have on innocent victims, all right, and we have established -- and our Counsel, I have asked him a number of times to repeat it -- that it is possible, based on that system, that there be an innocent victim, nobody has shied away from voting against that because they didn't seem to be concerned.

So in this particular instance, I think there's enough safeguards. I don't think there's going to be an innocent victim, but to apply your principal that you've applied in the past, I think you can find it very easy to vote for this particular legislation.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Levy. No, I'm sorry, Legislator Cooper is next, then Legislator Levy.

LEG. COOPER:

I don't know how many members of the Legislature bothered to go to CSEB and tour the facilities and speak with the workers there, the supervisors; could I ask how many, by a show of hands, bothered to go to CSEB? Okay, one bothered to go to CSEB. I went there last week, I spent a couple of hours there. I spoke with a half dozen supervisors, people in the front lines, every single one of them was opposed to your bill. Excuse me, let me finish. Every single one was opposed to the bill, every single one said it would fail to accomplish what you claim it would accomplish. What they said that they needed was increased staffing, they would like to see the pay scale changed so they don't continue to lose people to other departments --

LEG. FOLEY:

Right, John.

00151

LEG. COOPER:

-- where they do the same work more or less but get paid more, and they talked again about the computer problems, the phone problems. These were people on the front lines that are dealing with these problems on a day-to-day basis. Every single one I spoke to was opposed to your bill, not one came out in favor of it, that has to say something.

Number two, I'm baffled by the inconsistency that was evidenced by a couple of votes tonight. Some of the Legislators who spoke so eloquently in favor of the booting bill to protect innocent kids failed to support the domestic partnership bill which could just as easily help protect kids. One of my kids, my youngest daughter Jennifer had {Kawasaki's} Disease a couple of years ago. An often fatal blood ailment affected the heart, luckily it was caught just barely in time, if another week had gone by it probably would have been fatal, and luckily I had health insurance. But let's say that it was my domestic partner's child and we didn't have health insurance and we couldn't afford a very expensive operation and we delayed getting care and my daughter died because my colleagues here are failing to support the domestic partnership bill for crass, political reasons for the most part, concern over jeopardizing the Conservative Party line; is that

the reason why some of you are failing to support the bill? It's outrageous and you should be ashamed of yourselves. I am not going to direct this to anyone in particular, you know who you are because I've had conversations with some people who have admitted that that's the only reason that they're opposed to the bill.

So for any of the hypocrisy of some people to speak so eloquently in favor of this, and then on the other hand to oppose the domestic partnership bill which also protects kids, is unfathomable to me. I would respect you more if you fought for the booting bill and then at the same time fought just as hard for domestic partnership. But for you to fight for one and not fight for the other is crass, political expediency.

LEG. HALEY:

You're in the same boat, you're not fighting for the deadbeat and you're fighting for that.

LEG. CARACAPPA:

Mr. Chairman? Mr. Chairman? I just need to respond that that because, John, you can't mix the two tonight because the domestic partnership bill was just -- the hearing was just closed tonight. If you want to ram it down of our throats, that's not fair. This booting bill has been on the table for how long, two months, a month and a half? We needed 12 votes to close the damn hearing tonight, why don't you let it go back to committee where it should be instead of ramming it down our throats and then calling us hypocrites?

LEG. COOPER:

Excuse me. I just want to make --

P.O. TONNA:

Okay, wait, wait, wait. Just wait, okay. I'm breaking new ground here as Presiding Officer, usually I used to like to watch this debate. I would ask that everyone have a certain level of decorum with fellow

00152

members. Legislator Cooper, you have the floor.

LEG. COOPER:

And I'm sorry, this is heart felt for me, obviously. But a couple of Legislators, more than a couple of Legislators have told me confidentially that although they --

P.O. TONNA:

I guess that goes to confidence, there goes that.

D.P.O. LEVY:

Rookie, rookie.

LEG. GULDI:

Which ones?

LEG. COOPER:

Have told me that they agree that the domestic partnership bill is a fair bill, they agree that it's equal pay for equal, etcetera, but they will not support it because they're concerned about losing the Conservative Party line in the election.

P.O. TONNA:

Well, I'm not one of them.

LEG. COOPER:

I'm sorry, that's what I've been told by a couple of Legislators.

LEG. BINDER:

Well, I never get it anyway anymore, so.

LEG. COOPER:

So that's the only point I'm making. I'm opposed to the booting bill not because of lack of a quid pro quo, I'm opposed to the booting bill because I'm concerned that it's not effective, as I said. I went through the trouble of visiting CSEB, I took two days -- rather two hours out of a day to go to CSEB, to meet with the supervisors there, to speak to the workers there that were answering the phone calls, and they were opposed to the bill; every person I spoke to at CSEB was opposed to the bill. Angie, I don't know whether you've gone to CSEB. If not, I suggest that you go there -- I think it was 415 Oser Avenue I went to -- and speak to these people and they will tell you that the bill is not going to accomplish what you think it would.

LEG. FOLEY:

They want more staff.

LEG. COOPER:

But the point I was getting at was if in your heart you felt that --

LEG. CARPENTER:

Mr. Chairman, can I respond?

P.O. TONNA:

Just wait. Legislator Cooper, you asked a direct question of Legislator
00153

Carpenter?

LEG. COOPER:

Yes.

P.O. TONNA:

You have the floor; can she respond?

LEG. COOPER:

Sure, please.

P.O. TONNA:

Okay. Legislator Carpenter, I'd ask that you respond.

LEG. CARPENTER:

Before I --

P.O. TONNA:

Make it quick and then we got Legislator Levy.

LEG. CARPENTER:

Before I even filed this bill, Legislator Cooper, I called the department --

P.O. TONNA:

I just want everyone to know that there are some bills that have to be laid on the table, I will stop the debate -- I don't know if I'm allowed to but I'm going to try -- and move to make sure that we lay these bills on the table. If are allowed to do that, there are some time sensitive things that have to be laid on the table.

LEG. TOWLE:

Motion to extend the meeting a half an hour.

LEG. FOLEY:

Let's do it right now.

LEG. TOWLE:

Motion to extend the meeting a half an hour.

P.O. TONNA:

There's got to be a motion and a second.

LEG. GULDI:

Motion to approve the late starters.

LEG. CARPENTER:

I will make a motion to extend the meeting for an hour.

LEG. FOLEY:

No, no, no.

LEG. CRECCA:

Second.

00154

LEG. FOLEY:

Motion to extend the meeting for one hour.

LEG. TOWLE:

Angie, go with a half an hour first.

LEG. CARPENTER:

All right, a half hour.

P.O. TONNA:

Okay. There is a motion and a second. On the motion, I would only do that if we stop the debate, lay these things on the table and get the work that we need to get done here and then go back to this issue.

LEG. CARPENTER:

No.

LEG. CRECCA:

Can we just vote on this?

LEG. CARPENTER:

Yeah, we were in the middle of -- I'm just responding to a question.

P.O. TONNA:

She's in the middle of a debate.

LEG. CARPENTER:

I'm responding to a question.

P.O. TONNA:

Wait, we had a motion and a second.

LEG. CARPENTER:

So motion and a second to go a half hour.

P.O. TONNA:

Okay. Call a roll call, this is for an hour, roll call.

MR. BARTON:

An hour?

LEG. TOWLE:

Half hour.

P.O. TONNA:

Half hour? Half hour, roll call.

LEG. TOWLE:

Till 12:30.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

00155

LEG. TOWLE:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Extend for a half an hour? No.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Pass.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Nope.

LEG. LEVY:

There's some time sensitive bills that have to be passed, yes.

P.O. TONNA:

Nope.

LEG. FOLEY:

No.

LEG. BISHOP:

Start calling off the time sensitive bills, let's go.

00156

P.O. TONNA:

Okay.

MR. BARTON:

Eight, fails.

LEG. LEVY:

Mr. Chairman, I think I was next.

LEG. CARPENTER:

Well, we're in the middle of a debate. I'm sorry, we're in the middle of a debate and I want to just respond to the question. I did make several phone calls to the department, I spoke with the Commissioner who supports the legislation, wants to see it passed, spoke to workers. I did not speak to supervisors, I didn't speak to six supervisors, I talked to the people who answer the phone calls who said that it was a tool that they would like to see. So I don't know who you were talking to, I know who I spoke with. And Mr. Chairman, please just call the roll.

P.O. TONNA:

Okay. I -- call the roll. Wait, wait, if we call the roll we have time then.

LEG. CARPENTER:

We have a motion and a second to approve.

LEG. BISHOP:

Motion to --

LEG. LEVY:

Call the roll, call the roll.

P.O. TONNA:

Let's call the roll and get it over with and we still have time to lay these things.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. FOLEY:

Is this to approve the bill?

MR. BARTON:

Yes, to approve. Legislator Cooper?

LEG. LEVY:

Wait, wait, this resolution is to -- this is to table.

00157

LEG. CARPENTER:

This is to approve.

P.O. TONNA:

This is to approve.

D.P.O. LEVY:

We've got a motion to table on the floor.

P.O. TONNA:

No, it already failed, it already failed.

D.P.O. LEVY:

Never mind.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Let's go. Call this, please.

(*Roll Call Continued by Mr. Barton*)

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

No.

LEG. D'ANDRE:

Pass.

LEG. ALDEN:

Pass.

LEG. FIELDS:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

No.

LEG. CARACAPPA:
Yes.

00158

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Pass.

LEG. LEVY:
No.

P.O. TONNA:
Nope.

LEG. D'ANDRE:
No.

LEG. ALDEN:
Abstain.

LEG. CARACCIOLO:
Abstain.

LEG. HALEY:
Motion to table.

P.O. TONNA:
No.

LEG. CARPENTER:
Second.

P.O. TONNA:
I'm sorry.

LEG. GULDI:
You can't make a motion to table, it's already been defeated.

P.O. TONNA:
It's already been -- I make a motion for late starters, thank you. Call the roll, call the roll.

MR. BARTON:
Seven.

P.O. TONNA:
Seven, okay.

LEG. LEVY:
Mr. Chairman, could I be recognized?

P.O. TONNA:
Legislator Levy.

00159

LEG. LEVY:
I would like to make a motion to take out of order and approve Sense Resolution 54 --

LEG. FOLEY:
Second.

LEG. LEVY:
-- which makes May 1st Crossing Guard Appreciation Day.

P.O. TONNA:
All in favor? Opposed? In front of us.

LEG. TOWLE:
Motion to approve 1155.

P.O. TONNA:

Just wait.

LEG. CARPENTER:

Second on 1155.

P.O. TONNA:

There's a motion and a second. All in favor?

MR. BARTON:

On Sense 54.

P.O. TONNA:

It's on 54?

LEG. BINDER:

Why is he taking it out of order? Roll call.

MR. BARTON:

18.

LEG. BINDER:

Roll call, roll call.

LEG. TOWLE:

Motion to approve 1155.

LEG. CARPENTER:

Second on 1155.

LEG. GULDI:

How about the late starters, Mr. Chairman?

P.O. TONNA:

Legislator Guldi?

LEG. GULDI:

Yes. I would like to make a motion to lay on the table late starters

1447 through 1453 inclusive Sense 53 and 55.

00160

P.O. TONNA:

Second. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. TOWLE:

Motion to approve 1155.

LEG. GULDI:

Motion to approve 1370.

LEG. TOWLE:

And I had a second from Legislator Carpenter.

P.O. TONNA:

Hold it one second. Motion --

LEG. TOWLE:

1155, the sober house Bill.

LEG. FOLEY:

Second.

LEG. TOWLE:

And a second by Legislator Foley.

P.O. TONNA:

Okay.

LEG. CRECCA:

Could we call order? I can't hear anything.

P.O. TONNA:

Wait, wait, guys. Legislator Towle, I recognize Legislator Towle, that's the rules whether I like it or not.

LEG. TOWLE:

I made a motion to approve 1155.

LEG. CARPENTER:

Second.

P.O. TONNA:

I know, it doesn't matter.

LEG. HALEY:

Motion to table.

LEG. GULDI:

Second to table.

P.O. TONNA:

Okay, motion and a second. Motion to table, I second the motion to table.

00161

LEG. TOWLE:

Roll call on the motion to table.

P.O. TONNA:

On the motion.

LEG. HALEY:

On the motion to table.

LEG. BISHOP:

Motion to extend the meeting 10 minutes.

P.O. TONNA:

Go ahead, Legislator Haley.

LEG. LEVY:

Motion to extend meeting for 15 minutes.

LEG. TOWLE:

Second, second.

LEG. FOLEY:

Second the motion.

MR. SABATINO:

There has to be a motion -- that motion has already been made, so it would be a motion to reconsider that motion by somebody on the prevailing side.

LEG. TOWLE:

No, it was a half an hour.

LEG. LEVY:

No, no, no, not for 15 minutes.

LEG. FOLEY:

No, no, it was a different time period.

LEG. TOWLE:

It was a half an hour, Paul.

LEG. GULDI:

There was a motion --

P.O. TONNA:

Guys, right now there is a motion and a second to table, motion and a second to approve.

LEG. TOWLE:

Well, there was a motion to extend the meeting which I think takes precedence.

P.O. TONNA:

What is the motion? What is the motion to extend? I want to hear it.

00162

LEG. LEVY:

Motion to extend for 15 minutes.

LEG. TOWLE:

Second.

LEG. HALEY:

On the motion.

P.O. TONNA:

Wait, is that a legal motion?

LEG. FOLEY:

Yes, it is.

MR. SABATINO:

Okay, I thought the motion was for 30 minutes. It's 15 minutes, to 12:15? That's a different motion, but you have to do it in the

next --

LEG. TOWLE:

Second.

LEG. CRECCA:

One minute.

MR. SABATINO:

-- 28 seconds.

P.O. TONNA:

Okay. Motion by Legislator --

LEG. TOWLE:

-- Levy, second by myself.

LEG. HALEY:

On the motion.

P.O. TONNA:

Okay. On the motion, Legislator Haley.

LEG. BINDER:

Roll call.

LEG. BISHOP:

All in favor, opposed.

P.O. TONNA:

No. On the motion, Legislator Haley.

LEG. HALEY:

On the motion, I think I can speak to the motion.

LEG. TOWLE:

This is the most pathetic example I've ever seen.

00163

LEG. BISHOP:

Motion to close debate.

LEG. HALEY:

The most pathetic example of cramming down our throats a piece of legislation --

LEG. TOWLE:

Three months, Legislator Haley, three months.

LEG. HALEY:

-- that's going to fail, it is going to fail.

LEG. TOWLE:

Then vote against it. Then vote against it, stop filibustering.

LEG. HALEY:

No, it's going to fail because you're requiring a social worker to go in, they get three to six people --

P.O. TONNA:

Meeting adjourned.

[THE MEETING WAS ADJOURNED AT 12 AM]

00164